



LAWS

OF THE

STATE OF INDIANA,

PASSED AND PUBLISHED AT THE SEVENTEENTH SESSION,

OF THE

GENERAL ASSEMBLY,

HELD AT INDIANAPOLIS, ON THE FIRST MONDAY IN DECEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-TWO.

BY AUTHORITY.

INDIANAPOLIS:

PRINTED BY DOUGLASS AND MAGUIRE.

1833.

LAWS

OF THE

STATE OF INDIANA.

CHAPTER I.

An Act to amend the act entitled "An act authorizing domestic attachments and regulating proceedings thereon," approved, January 19th, 1831.

[APPROVED, JANUARY 8, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That when the estate, property or interest to be attached, exists or is situate in different counties, or where the debtors or bailees of such absconding debtor reside in different counties, the jurisdiction of the Circuit Court shall extend to such counties, and sundry writs of attachment and process against garnishees may be issued and executed in such counties. But no judgment shall be given against the estate, property or interest of the absconding debtor, or against such garnishees, unless the writ of attachment shall have been executed on some property, either real or personal, belonging to the absconding debtor, situate in the county where the suit was commenced, or unless process shall have been served upon some garnishee therein residing, or found by the officer executing the same.

Jurisdiction of Circuit Court, where the property to be attached is situate in different counties.

No judgment given unless the writ be executed in the county where suit was commenced.

CHAPTER II.

An act to provide for dividing the State into seven Congressional Districts.

[APPROVED JANUARY 8, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the counties of Posey Vanderburg, Warrick, Spencer, Perry, Crawford, Harrison, Orange, Gibson, Counties composing the 1st district.

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Pike, and Dubbis, shall form the first congressional district, and shall be entitled to one Representative in the Congress of the United States.

2d district. SEC. 2. The counties of Knox, Daviess, Martin, Lawrence, Owen, Green, Sullivan, Vigo, Clay, and Putnam, shall form the second congressional district, and shall be entitled to one Representative in the Congress of the United States.

3d district. SEC. 3. The counties [of] Washington, Floyd, Clark, Scott, Jackson, Jennings, and Jefferson, shall form the third congressional district, and shall be entitled to one Representative in the Congress of the United States.

4th district. SEC. 4. The counties of Decatur, Franklin, Ripley, Switzerland, Dearborn, and Rush, shall form the fourth Congressional district, and shall be entitled to one Representative in the Congress of the United States.

5th district. SEC. 5. The counties of Union, Fayette, Wayne, Randolph, Henry, Delaware, Allen, Grant, Huntington, and Lagrange, shall form the fifth Congressional District, and shall be entitled to one Representative in the Congress of the United States.

6th district. SEC. 6. The counties of Bartholomew, Johnson, Shelby, Hancock, Hamilton, Marion, Morgan, Boon, Hendricks, Monroe, Madison, Cass, Miami, and Wabash, shall form the sixth Congressional District, and shall be entitled to one Representative in the Congress of the United States.

7th district. SEC. 7. The counties of Vermillion, Parke, Montgomery, Fountain, Warren, Tippecanoe, Clinton, Carroll, St. Joseph, Elkhart, and Laporte, shall form the seventh Congressional District, and shall be entitled to one Representative in the Congress of the United States.

CHAPTER III.

An Act organizing the Eighth Judicial Circuit, and fixing the times of holding Courts therein.

[APPROVED JANUARY 7, 1833]

What counties shall constitute.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the counties of Carroll, Cass, Miami, Wabash, Huntington, Allen, Lagrange, Elkhart, St. Joseph, and Laporte, shall form and constitute the eighth Judicial Circuit.

Times of holding courts in the several counties.

SEC. 2. The Circuit Courts within the eighth Judicial Circuit shall be held annually on the days and times follow-

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ing, to wit: In the county of Carroll, on the third Mondays of April and October; in the county of Cass on the fourth Mondays of April and October; in the county of Allen on the Mondays next succeeding the courts in Cass; in the county of Lagrange on the Mondays next succeeding the courts in the county of Allen; in the county of Elkhart, on the Mondays next succeeding the courts in the county of Lagrange; in the county of St. Joseph, on the Mondays next succeeding the courts in the county of Elkhart; and in the county of Laporte, on the Mondays next succeeding the courts in the county of St. Joseph. The Circuit Courts to be holden as above, in the eighth Judicial Circuit shall sit one week in each of said counties, if the business thereof requires it, except in the counties of Allen and Elkhart, where it shall sit two weeks, if the business thereof requires it.

SEC. 3. The county of Grant shall be attached to the sixth Judicial Circuit, and the Circuit Court to be holden therein, shall sit on the Mondays succeeding the court in Delaware county, annually, and shall sit one week, if the business thereof requires it.

SEC. 4. All acts and parts of acts, coming within the purview of this act, be, and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER IV.

An Act to legalize the proceedings of the School Commissioner of Sullivan county.

[APPROVED JANUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the acts of Andrew Wilkins, school commissioner in Sullivan county, so far as said acts are connected with the sale of the school lands belonging to Town Six, in said county, be, and the same are hereby legalized: *Provided,* that nothing herein contained shall be so construed as to legalize any collusion or mal-conduct of the commissioner or the purchaser in the sale and purchase of said lands.

SEC. 2. The commissioner aforesaid may, if thought expedient, appoint an agent who shall reside on the land referred to in the first section of this act, who shall perform all the duties of said commissioner, so far as the same be connected with the aforesaid land: *Provided,* The board

Acts of the commissioner legalized.

Proviso.

Agent may be appointed.

Proviso.

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doing county business, in the said county of Sullivan, shall sanction the appointment of such agent: *And Provided, also,* That the aforesaid commissioner, and his securities, shall, in all respects, be responsible for the official acts of such agent.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

CHAPTER V.

An Act to extend the privileges granted to the Harrison and Whitewater Bridge Company.

[APPROVED JANUARY 1, 1833.]

Power granted to increase the capital stock to \$10,000.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the president and directors of the Harrison and Whitewater Bridge Company may, if they shall find the same necessary, increase the capital stock of said company to Ten Thousand Dollars, to be divided into shares as prescribed by the act of incorporation, approved January 3d, 1832.

Limitation of charter extended.

SEC. 2. *Be it further enacted,* That the privileges granted to said Company by the act aforesaid, be and the same are hereby extended and secured to said company, for and during the term of fifty years, from and after the third of February, 1832: any law to the contrary notwithstanding:

CHAPTER VI.

An Act to amend an act entitled "An act to incorporate Hanover Academy."

[APPROVED JANUARY 1, 1833]

Name changed to Hanover College.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of the institution created by the act to which this is an amendment shall be changed to Hanover College, and the same shall hereafter be known by the name and style of Hanover College; and the faculty of said college, consisting of the president, professors and tutors thereof, shall have the power of granting and conferring, by and with the approbation of the board of trustees, such degrees in the liberal arts and sciences as are usually granted and conferred in other colleges in the

Power to confer degrees and grant diplomas.

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United States, to the students in the college, or others, who by their proficiency in learning, or other meritorious distinction, may be entitled to the same; and to grant unto such graduates, diplomas or certificates, under their common seal, and signed by the faculty, to authenticate and perpetuate the memory of such graduations: *Provided, however,* That no degrees shall be conferred, or diplomas granted, unless such student has acquired the same proficiency in the liberal arts and sciences as is customary in other colleges in the United States.

SEC. 2. Those students in said college of sufficient bodily ability, shall, during the time they continue as such, be exercised and instructed in some species of mechanical or agricultural labour, in addition to the scientific and literary branches there taught. And the trustees shall annually report to the Legislature, the plan, progress and effects of such agricultural and mechanical exercise and instruction upon the health, studies and improvement of the students.

SEC. 3. The General Assembly of the state of Indiana hereby reserves to itself the right and power of altering and amending this act of incorporation, at any time after 1843, any thing herein contained to the contrary notwithstanding.

This act to be in force from and after its passage.

CHAPTER VII.

An Act to authorize the proprietor of Thorntown, Boon county, to exchange certain lots therein named.

[APPROVED JANUARY 9, 1833.]

WHEREAS, it has been represented to this General Assembly, that Cornelius Westfall, the proprietor of Thorntown, in Boon county, did make a donation of lot number 85, in said town, for the purpose of a school-house or an academy being erected thereon, which is designated on the plat of said town, which said plat has since been recorded; And whereas, it appears that said lot is not situated in an eligible part of said town for the purpose aforesaid; And whereas, the said proprietor, together with the citizens of Thorntown, have petitioned this Legislature to authorize said proprietor to exchange lot number sixteen, in said town, for the purpose aforesaid, for lot number eighty-five above mentioned. *Therefore,*

SEC. 1. *Be it enacted by the General Assembly of the State*

Proviso.

Students shall be exercised in mechanical or agricultural labour.

Trustees shall report to the Legislature.

Power of amending this act reserved to the Legislature after 1843.

Preamble.

Proprietor
empowered to
exchange lot,
&c.

of Indiana, That the said Cornelius Westfall be, and he is hereby authorized and empowered to exchange lot number sixteen in said town for the purpose aforesaid, to all intents and purposes, as if said lot had been originally donated, on the plat of said town, and recorded, for said lot number eighty-five; and that all the estate, right, title, interest and claim, in and to said lot last mentioned, revert back to, and be vested in the said Cornelius Westfall, his heirs and assigns forever.

This act to take effect and be in force from and after its passage.

CHAPTER VIII.

An Act for the relief of John F. Jones, collector of Bartholomew County.

[APPROVED DECEMBER 26, 1832.]

Commission-
ers may give
further time
to pay the
county reve-
nue.

Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Bartholomew county be, and they are hereby authorized, if they deem it expedient, and the rights of any individual or individuals will not thereby be affected or impaired, to give to John F. Jones, collector of said county, further time, until the first Monday in May, eighteen hundred and thirty-three, to pay over the county revenue of said county.

This act to be in force from and after its publication in the Indiana Journal.

CHAPTER IX.

An Act for the benefit of persons who are likely to suffer by the destruction of the records of Parke County.

[APPROVED DECEMBER 28, 1832.]

Testimony re-
lating to the
destruction of
deeds, &c. how
perpetuated.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That for the purpose of perpetuating testimony concerning of or relating to any patents, deeds, bills of sale, wills, inventories, powers of attorney, or other instrument of writing which were destroyed by the burning of the Clerk's Office of Parke county, Henry Slavens be and he is hereby appointed a commissioner to receive and admit to record all evidence offered by any person concerning of or

relating to any patents, deeds, bills of sale, powers of attorney, wills, inventories or other instruments of writing lost or destroyed as aforesaid. The said commissioner is hereby authorized to open a court in the town of Rockville on the second Monday in February next, and William T. Noel is hereby appointed clerk of said court, whose duty it shall be, as clerk as aforesaid, to keep a journal of the proceedings of said court, and enter upon record, in a book or books to be kept for that purpose, all evidence or testimony presented to said court, concerning any patent, deed, bill of sale, will, power of attorney, inventory or other instrument of writing, by any person who may wish to have such testimony perpetuated: *Provided*, however, that no testimony shall be received concerning of, or relating to any of the above named instruments of writing, until the person offering such testimony shall prove to the satisfaction of said court, by his or her affidavit, or the affidavit of some other person, that such instrument of writing is lost or destroyed: *Provided, also*, that said commissioner and his clerk, before they enter upon their official duties, shall take an oath before some person duly authorized to administer oaths, faithfully and impartially to discharge their duties according to law.

SEC. 2. The said commissioner, at his first sitting is hereby authorized to hold his session for three weeks successively, if the business shall so long require it, and then shall adjourn until the first Monday in April, at which time he shall hold his session for two weeks; after which he shall hold his session monthly, commencing on the first Monday of each month, and hold his session for one week, if the business shall so long require it: *Provided*, however, that the said court shall not be in session during the terms of the Circuit Court of said county, but in the months in which said Circuit Court shall hold its terms, the said commissioner shall hold his court, for one week, commencing the next Monday after the adjournment of said Circuit Court: *Provided, also*, that said commissioner, shall, previous to his first session, give notice of the time and place of his sitting, by publishing the same, for three weeks successively in the Wabash Herald.

SEC. 3. Said commissioner is hereby vested with all the authority necessary to carry into effect the provisions of this act, to administer oaths, issue subpoenas, and compel the attendance of witnesses, under the same penalties that they are compelled to attend when subpoenas issue from the Circuit Court. And the sheriff of Parke county is hereby made an officer of said court, and is required to execute all process that may issue from it, for which he shall be entitled to the same fees as are allowed by law for similar services for executing process issued from the Circuit Court, which

Court institu-
ted.

Clerk ap-
pointed.

His duties.

Proviso.

Proviso.

Commissioner
and clerk
shall take
oath.

Times of hold-
ing court and
length of ses-
sion.

Proviso.

Proviso.

Commissioner
to give notice
of time and
place of hold-
ing first ses-
sion.

Powers of the
commissioner.

Sheriff of
Parke county
made an offi-
cer of this
court.

fees shall be taxed by said commissioner, and collected from the party requiring such services, as other fees are now collected by law.

Patents, deeds, &c. or authenticated copies thereof, admitted to record.

SEC. 4. If any person shall produce any patent, deed, bill of sale, power of attorney, inventory, or any other instrument of writing, duly executed, with the endorsement of the present or any former recorder of the county of Parke, that the same had been duly recorded in the records of said county, such patent, deed, bill of sale, inventory, power of attorney, or other instrument of writing with all the official endorsements thereon, shall be entered at full length, in the book kept for that purpose, and any paper or writing which shall be presented to said commissioner and proved to be a correct copy of any patent, deed, bill of sale, will, inventory, power of attorney, or other instrument of writing, that has been lost or destroyed as aforesaid, shall be entered on record at full length, with the testimony relating thereto; and if the witness or witnesses to any such copy of any writing so lost or destroyed are dead or cannot be had, the person or persons interested therein may produce other testimony in support of his, her, or their claim; and the testimony so produced shall be received and recorded as aforesaid.

What testimony must be produced.

Record of this court evidence.

SEC. 5. The records of said commissioner, or copies thereof, or any part thereof, certified by his clerk or by any person duly authorized by law, to give certified copies of such records, shall be read in evidence in any court in this state, at any time when circumstances require it.

Probate.

SEC. 6. All testimony relating to probate business shall be recorded in a book separate from other testimony, authorized by this act to be recorded, and all copies of wills and other papers relative to decedents' estates whether testate or intestate shall be recorded in such book; and at the close of the business of said commissioner, he shall certify such records to be true copies of the testimony produced to him, which shall be tested by the clerk, and deposited with the court of probate. And the balance of his proceedings and records shall be certified in like manner, and deposited with the recorder of the county to be kept in his office for the benefit of all concerned.

Records to be filed in the probate court and in the recorder's office.

Term of office of commissioner, &c.

SEC. 7. Said commissioner and clerk shall continue in office three years; and if any vacancy should occur, the board doing county business in said county shall appoint some fit person to fill the same; and in case said commissioner or clerk shall refuse to qualify and perform the duties required of them by this act, said board of county commissioners shall at their first meeting appoint some fit person to discharge the same.

Vacancy how filled.

SEC. 8. Certified copies of all wills and letters testamen-

tary, and letters of administration shall be admitted to record at full length, together with all authenticated vouchers and settlements of decedents' estates, together with all testimony relating thereto; and all executors, administrators and guardians whose bonds have been destroyed, are hereby required to file new bonds with security to be approved of by the probate court, within three months from the time of the taking effect of this act; and until such bond is filed, no such executor, administrator or guardian shall be authorized to transact business by virtue of his, her or their appointment as such; and should no bond be filed before the expiration of three months as above, then such executor, administrator or guardian shall be considered as having resigned said appointment, and the court of probate shall proceed to appoint others in the same manner as if a resignation or voluntary refusing to act had been formally made; and the person last appointed may in a reasonable time compel such persons so neglecting to comply with the provisions of this act, to settle and account for all money or other articles of value, that have come into his hands as executor, administrator or guardian. *Provided*, however, if any such executor, administrator, or guardian is not a resident of this state, or is absent, the court may then give such further time to comply as above, as they shall deem reasonable.

Wills, &c. shall be recorded.

Executors, &c. file new bonds.

Cannot act till bond is filed.

Failure to file bond operate as a resignation.

Proviso.

SEC. 9. The commissioner aforesaid shall receive two dollars per day for each day he shall be necessarily employed in attending to his duty as commissioner; and the clerk shall, for his services, receive the sum of two dollars per day for each day he shall be necessarily employed in performing the duties of his said office as clerk; and all expenses of books, stationary, paper, &c. of every description, and the pay of said commissioner and clerk, shall be paid out of the county treasury; and it is hereby made the duty of the board of commissioners, or other persons authorized to do county business for the said county of Parke, to allow the same on their presenting their accounts. The commissioner shall have his account certified by the clerk, and the clerk shall have his account certified by the commissioner, which accounts so certified and allowed shall be paid out of the county treasury, as other accounts are paid. The parties concerned shall pay their own witnesses, at the same rate that witnesses are paid for attending the circuit court, and also the sheriff's fees, if any.

Compensation of commissioner and clerk.

County pay expenses.

Parties pay their own witnesses, &c.

SEC. 10. The Parke circuit court in term time is hereby authorized and required, on motion of any person, by himself, herself or themselves, or his, her or their attorney, on satisfactory evidence being produced, that he, she or they (as the case may be) has a judgment in said court, the re-

Parke circuit court duty of.

cords of which have been destroyed or burnt, to cause such judgment to be re-entered and recorded as of the former date; and the legal representatives of any person or persons deceased, may in like manner, on like proof being produced that his, her or their decedent had a judgment in said court, the record of which has been destroyed or burnt, have the judgment re-entered in favor of said deceased as of a former date; and such judgment, when so entered, shall continue to have all the lein, and to have all the effect that it could have had if the records had never been destroyed. *Provided*, however, that the judgment debtor shall have at least ten days previous notice of such intended motion, by leaving with him, her or them, or at his, her or their usual place of abode, a written notice of such intended motion, a copy of which shall be presented in court, if required, and proof made, that it is a true copy of a notice left with such judgment debtor, or his legal representative, or at his, her or their usual place of abode; but if such judgment debtor, or his representative, is not a resident of this state, it shall be sufficient to give four weeks previous notice in a newspaper in said county, or if no newspaper be published in said county, then in some newspaper published most convenient thereto; and if execution has been issued on such judgment, and the facts relating thereto can be proved to the satisfaction of the court by any officer who either issued or acted on the same, and if such execution and the return thereon have been destroyed, the parties, or either of them, shall be permitted to prove the issuing and service of such execution and return made thereon, and have the same made a matter of record, and the same process shall be issued in favour of the judgment creditor on such judgment, execution and return, that he would have been entitled to, had such execution and return not been destroyed; and the court on hearing the evidence shall determine, what process such judgment creditor shall be entitled to; but should the judgment debtor or opposite party deny the existence of such judgment so alleged against him, he shall be entitled to a jury to determine the fact, and the jury shall bring in a verdict according to evidence.

Fact of the
burning of a
record to be
tried by a jury

SEC. 11. In all cases where suit has been brought, or may hereafter be brought, in any court, on any judgment the record of which has been destroyed as aforesaid, either by action at law or bill in equity, it shall be lawful for the defendant to deny the fact of such burning by a proper plea, and the same shall be determined by a jury as other pleas are tried; and if the fact of the destruction of the records be clearly proved, it shall not be necessary to prove the precise amount of the judgment, interest and costs, the

Proviso.

records of which have been destroyed as aforesaid; but the jury shall bring in their verdict for such an amount as shall be proved, including interest and cost; and the clerk and recorder of said county, as well as all other officers and persons, who may have fees due them, the collection of which might have been coerced by fee-bills or otherwise, had said records not been destroyed, and the present and former collectors of the state and county revenue who may have debts due them the evidence of which has been destroyed as aforesaid, which might have been collected by distress and sale of property, are hereby allowed the actions of debt and *assumpsit* for the collection of the same in the same manner that other debts are now collected by law. *Provided*, however, that no stay of execution shall be allowed in such cases where judgment shall be obtained for fees which have heretofore been stayed, if such stay shall have expired.

Clerk, &c. allowed the actions of debt and assumpsit for fees, &c.

Proviso.

This act to take effect and be in force from and after its publication in the Wabash Herald, a weekly newspaper published in Rockville, the expense of which shall be paid out of the county treasury of said county.

When to be in force.

CHAPTER X.

An Act to more permanently establish the boundary line between the counties of Vermillion and Warren.

[APPROVED JANUARY 15, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following shall form and constitute the dividing line between the counties of Vermillion and Warren, to wit: Beginning on the west bank of the Wabash River, where the township line, dividing the townships number nineteen and twenty intersect the same; thence west with said township line to the range line dividing ranges nine and ten west; thence north with said range line to the township line dividing townships nineteen and twenty north, in range ten west; thence west with said township line to the line dividing the states of Indiana and Illinois.

Boundary line established.

SEC. 2. *Be it further enacted*, That so much of the thirty-eighth section of an act relative to county boundaries, approved February 10th, 1831, as comes within the purview of this act, be and the same is hereby repealed.

Repeal.

This act to take effect and be in force from and after its passage.

CHAPTER XI.

An Act for the relief of William Richards, Road Commissioner, and for other purposes.

[APPROVED JANUARY 15, 1833.]

Allowance to commissioner.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Richards, road commissioner on road number ten, be allowed the sum of twelve dollars, for time spent and money expended as commissioner on said road.

To be paid out of 3 per cent. fund.

SEC. 2. It shall be the duty of the agent of the three per cent. fund to pay over to the said William Richards, commissioner, the above sum of twelve dollars, out of any money that may yet be due and unexpended on said road.

This act to take effect and be in force from and after its passage.

CHAPTER XII.

An Act for the relief of John Conner.

[APPROVED JAN 9, 1833.]

Conner reinstated in his rights to certain lots on payment of interest.

Be it enacted by the General Assembly of the State of Indiana, That the school commissioner of the county of Fayette, and state aforesaid, be and he is hereby authorized to receive from John Conner, the purchaser of lot number nine of section sixteen, of town thirteen, range twelve, and of lot number ten of said section sixteen, town thirteen, range twelve, the interest due from the date of the purchase of said lots of school land: and the said John Conner shall be, upon the payment of all interest now due and required by law to be paid in advance, upon said lots of numbers nine and ten, section sixteen, and town thirteen, and range twelve, to the school commissioner of said county of Fayette, reinstated in all his rights to said lots, in as full and ample a manner as though said John Conner had made his payments in conformity with the act entitled "An act incorporating Congressional Townships, and providing for public schools therein," approved February 10, 1831: *Provided*, however, that no reinstatement of rights shall take place unless the said John Conner shall pay to the commissioner aforesaid all the interest due and owing upon said lots of school land, on or before the twenty-first day of May, 1833.

This act to be in force from and after its publication in

Proviso.

the Argus, a paper published in the town of Connersville, Fayette county, Indiana. When to take effect.

CHAPTER XIII.

An Act to authorize the expenditure of the three per cent. fund heretofore appropriated for the counties of Huntington and Wabash.

[APPROVED JANUARY 15, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Lewis Rodgers, of Wabash county, be, and he is hereby appointed a commissioner on that part of the state road leading from Lafayette to Fort Wayne which lies within the bounds of the county of Wabash, whose duty it shall be to receive from the agent of the three per cent. fund, four hundred dollars, being the amount appropriated to each county in this state, according to the provisions of the act appropriating part of the three per cent. fund, approved Feb. 10, 1831: and to expend the same in constructing that part of the state road which lies in said county, in the following manner: The said road shall be cleared for the space of twenty-five feet in width in the centre thereof, of all trees and undergrowth not exceeding eighteen inches in diameter; and also of all logs and brush which may be in said space, so that the whole be removed entirely therefrom. And the remainder of the money which shall be over and above paying for the clearing aforesaid, shall be applied in bridging, causewaying, and grading such places on said road as in the opinion of the commissioner aforesaid will best subserve the public good.

Lewis Rodgers, commissioner; his duty.

SEC. 2. That Elias Murray, of Huntington county, be, and he is hereby appointed a commissioner on that part of the state road aforesaid which lies in Huntington county. His duty shall be to receive from the agent of the three per cent. fund, four hundred dollars, appropriated as aforesaid, by the act approved February 10th, 1831, and expend the same in constructing that part of said state road in the county aforesaid, by clearing, if necessary, where the same may not have been previously done, a width of twenty-five feet in the centre thereof, of all bushes and trees not exceeding eighteen inches in diameter, and of all logs, brush and undergrowth which may be thereon; and in bridging, ditching, grading and causewaying such places as in the opinion of said commissioner, will be best adapted for the judicious and economical construction of said road.

Elias Murray, commissioner; his duty.

SEC. 3. The commissioners aforesaid shall each, on or

Bond & oath
of commis-
sioners.

before the first day of April next, file a bond in the penal sum of eight hundred dollars, with sufficient securities, to be approved by the agent of the three per cent. fund, conditioned for the faithful performance of the duties required of them by this act; and before entering on the discharge thereof, shall each take an oath or affirmation to faithfully and impartially perform the same.

Commission-
ers shall ad-
vertise, &c.

SEC. 4. The commissioners aforesaid shall advertise the work to be done on their respective districts of the state road aforesaid, in two of the nearest newspapers, for at least thirty days previous to the 15th day of May next, and shall then conclude contracts with the lowest and best bidders, with sufficient securities to have the work enjoined in this act finished on or before the first day of October next. They shall be entitled to receive as compensation, one dollar each for every day's service necessarily employed under the provisions of this act. They shall also have power and are hereby authorized to make slight alterations in the present location of said road, where the same may have been laid on the canal route, or where the road may be advantageously changed without increasing the length or cost of constructing it. They shall also keep a correct account of all moneys paid out by them, on account of said road, take duplicate receipts therefor, and file their reports of proceedings, accounts, and receipts of expenditures with the agent of the three per cent. fund, on or before the 25th of November next.

Compensa-
tion.

May make al-
terations.

Shall keep ac-
counts and
make reports.

Duty of agent
of 3 per cent.
fund.

SEC. 5. The agent of the three per cent. fund is hereby authorized and directed to pay the said sum of four hundred dollars to each of the commissioners aforesaid, so soon as they shall execute to him the bond for the penal sum contemplated by this act.

This act to take effect and be in force from and after its passage.

CHAPTER XIV.

An Act appropriating three hundred and eighty-seven dollars and eighty-six and three quarter cents for the payment of the subscribers to the building of the State Prison.

[APPROVED JANUARY 15, 1833.]

Appropriation
out of India-
napolis fund.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there is hereby appropriated out of the Indianapolis fund the sum of three hundred and eighty-seven dollars and eighty-six and three quarter cents, to the payment of the remaining certificates, now in the hands of the

subscribers to the building of the state prison, as certified by the commissioners appointed by the Supreme Court in compliance with an act approved January 24th, 1832, to revive "an act for the relief of the subscribers to the building of the state prison, and for other purposes," approved January 10th, 1831.

SEC. 2. It shall be the duty of the auditor to audit, and the treasurer to pay, the several sums certified by the commissioners named in the first section of this act.

Duty of audit-
or and trea-
surer.

This act to take effect and be in force from and after its passage.

CHAPTER XV.

An Act to repeal an act entitled "An act to raise additional revenue for the county of Ripley, approved January 24th, 1831.

[APPROVED JANUARY 18, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the act entitled "an act to raise additional revenue for the county of Ripley, approved January 24th, 1831, be and the same is hereby repealed.

This act to be in force from and after its publication in the Indiana Journal.

CHAPTER XVI.

An Act for the relief of James Tiller.

[APPROVED JANUARY 18, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the township trustees of township eleven, north [of] range four east, in the county of Johnson, be and they are hereby authorized to allow James Tiller the value of the improvements by him made on section sixteen in said township, out of any interest that has or may accrue upon the monies derived from the sale of said section, provided the same shall not exceed fifty-six dollars.

CHAPTER XVII.

An Act to provide for a special session of the Switzerland Circuit Court.

[APPROVED JANUARY 19, 1833.]

Whereas, there are several prisoners at this time con-

fined in the jail of Switzerland county, charged with burglary, larceny, &c. occasioning great expense to said county, for remedy whereof—

Associate judges to hold the court.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the associate judges of the Switzerland Circuit Court, are hereby authorized to hold a special session, for the trial of all prisoners now confined in the jail of said county, or that may be confined in the jail of said county at the time of such special session, for any crime or crimes not capital.

Sheriff and his duty.

SEC. 2. It shall be the duty of the sheriff of said county to fix a day for the commencement of said special session, of which he shall give each of the associate judges, and each prisoner that is in the jail at the time of the passage of this act, at least five days notice; the notice to the prisoners must be in writing.

Clerk shall issue venires.

SEC. 3. It shall be the duty of the clerk to issue venires for a grand and petit jury, commanding the sheriff to summon such of the grand and petit jurors belonging to the regular panel of the last Switzerland Circuit Court as may be convenient, and said sheriff may supply any deficiencies in said panel by talesmen.

Court may adjourn from day to day, appoint attorneys, &c.

SEC. 4. Said court may adjourn from day to day until the whole of said prisoners are tried, appoint an attorney or attorneys to prosecute and defend, and shall in all things not specially provided for by this act, be governed by the provisions of "An act to authorize called sessions of the Circuit Courts," approved February 12th, 1825.

This act to take effect and be in force from and after its passage.

CHAPTER XVIII.

An Act for the relief of Vincent Dufour, heir of John James Dufour, deceased.

[APPROVED JANUARY 15, 1833.]

Preamble.

Whereas, John Francis Siebenthal, collector of the revenue for the county of Switzerland for the year 1825, was a defaulter, to the amount of six hundred and seventy-five dollars and ninety-one cents, in said year 1825; and John James Dufour became his security, and a judgment has lately been rendered against John Francis Dufour, administrator of the estate of the said John James Dufour, in the Switzerland Circuit Court, for the sum of eleven hundred and twenty-two dollars and four cents, on account of

John James Dufour having been security as aforesaid, which judgment includes interest, percentage, damage, cost, &c.; and being satisfied that said Seibenthal is insolvent, and that the money might have been made without having recourse on the security, had the auditor of public accounts pressed the collection in due season; and that Seibenthal's landed estate, worth two thousand dollars, was sold for seven hundred dollars, to satisfy a later defalcation, by reason of which the estate of said John James Dufour became liable to pay said debt, costs and damages—*Therefore*

Be it enacted by the General Assembly of the State of Indiana, That if the said John Francis Dufour, administrator as aforesaid, or the said Vincent Dufour, heir as aforesaid, or either of their legal representatives, do well and truly pay the said sum of six hundred and seventy-five dollars and ninety-one cents, with interest at six per cent. per annum from the passage of this act, and all costs that have accrued or may accrue on said judgment, such payment shall be a full satisfaction of the judgment aforesaid: and all officers are hereby directed to govern themselves accordingly. Relief granted.

CHAPTER XIX.

An Act to provide for summoning grand and petit jurors for the next March term of the Parke Circuit Court.

[APPROVED JANUARY 19, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the sheriff of Parke county to summons of any good and reputable freeholders or householders, residents in said county, eighteen grand and twenty-four petit jurors, to serve as such for and during the next March term of the Parke Circuit Court. Duty of sheriff.

SEC. 2. It shall not be necessary for said sheriff to procure the issuing of a venire for the purpose of authorizing him to carry into effect the provisions of this act; but having summoned the number required of qualified jurors, shall enrol their names and return said roll to the Circuit Court aforesaid on the first day of the term thereof; and any person having been summoned, enrolled and returned by said sheriff, who shall neglect or refuse to serve as required of him, shall be liable to all the penalties prescribed by law for similar offences: *Provided*, however, that the regular panel of petit jurors of the last September term of said court shall not be required to serve under the provi- No venire to issue. Penalty for refusing to serve. Proviso.

sions of this act: *Provided, too,* that the said court shall use the same power in compelling bystanders to serve as jurors as is now allowed said court in other cases.

When to be in force.

SEC. 3. This act to take effect and be in force from and after its passage and publication in the *Wabash Herald*, a weekly newspaper published in Rockville, any law or usage to the contrary notwithstanding.

CHAPTER XX.

An Act to establish the county line between the counties of Madison, Hancock and Henry.

[APPROVED JANUARY 15, 1833.]

Boundary.

Be it enacted by the General Assembly of the State of Indiana, That the first section line west of the range line dividing ranges eight and nine east shall hereafter be considered the eastern boundary of the counties of Madison and Hancock, and the western boundary of the county of Henry.

When to take effect.

This act to take effect and be in force from and after its passage and publication in the *Indiana Journal*.

CHAPTER XXI.

An Act legalizing the election of certain Probate Judges therein named.

[APPROVED JANUARY 15, 1833.]

Preamble.

Whereas it is represented to this General Assembly that the judges of the Courts of Probate of the counties of Elkhart and Laporte had not received certificates of their qualifications previous to their elections, as prescribed by law, but the said judge of the Probate Court of the county of Laporte has since obtained such certificate:

Acts of the probate judge of Laporte county legalized.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the acts and deeds of the said judge of probate of the county of Laporte, be valid and bona fide, to all intents and purposes, as if he had received the said certificate previous to his election.

Probate judge of Elkhart shall procure certificate of qualification.

SEC. 2. And that the said judge of probate of the county of Elkhart, so soon as he shall have procured the certificate, as prescribed by law, may proceed to the discharge of the duties of his office; and all his acts that would have been

legal by having the certificate previous to his election, shall be legal, as is stated in the first section of this act.

This act to be in force from and after its passage.

CHAPTER XXII.

An Act supplemental to an act entitled "An act to incorporate the Green county Seminary," approved January 24, 1832.

[APPROVED JANUARY 19, 1833.]

Whereas, it appears that the trustees of the Green county Seminary were not able to organize said incorporation, in consequence of the remote distance which the most of said trustees, first appointed by the act to which this is a supplement, reside from the county seat:

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the first section of said act as vests the management of the concerns of said seminary in fifteen trustees, is repealed, and the same shall hereafter be vested in five trustees.

Number of trustees changed.

SEC. 2. That John Inman, Cornelius Vanslyke, James Warnick, Samuel Simons, and Doctor Pegg, shall form the second board of trustees, and shall hold their office for the term of three years from and after the time of their first meeting and organization, and until their successors are appointed and qualified.

Second board of trustees.

CHAPTER XXIII.

An Act to amend an act providing for the erection of a bridge across Rattlesnake creek in Owen county.

[APPROVED JANUARY 22, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Johnson of Owen county, heretofore authorized to expend the sum of one hundred and twenty-five dollars in the construction of a bridge across Rattlesnake creek, in said county, where the Vincennes state road crosses the same, be, and he is hereby authorized to expend the same, or as much thereof as may be necessary, in the construction of a bridge across said creek at or near Duignan's mill, at the point where said road may cross said creek, when it shall be changed by the board doing county

The commissioner to erect said bridge at a different point from that in former act.

Surplus money to be expended on a bridge across Bush's creek.

Repeal.

business in said county, as is now contemplated. And what shall remain of said one hundred and twenty-five dollars, after contracting for the construction of said bridge, shall be applied by said John Johnson in the construction of a bridge across Bush's creek, in said county, where said state road now crosses the same.

SEC. 2. All laws, or parts of laws, contravening the provisions of this act, be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER XXIV.

An Act to amend an act entitled "An act for the relief of John Boner, of Jennings County," approved January 26, 1832.

[APPROVED JANUARY 22, 1833.]

S. Robinson, commissioner, required to pay said Boner \$150.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Solon Robinson, commissioner on the state road from Madison to Indianapolis, be and he is hereby authorized and required to pay over to John Boner, of the county of Jennings, one hundred and fifty dollars, in full of the amount certified by Robert B. Mitchell, W. A. Bullock and David S. Taylor, commissioners appointed by law for that purpose, as being justly due to said Boner, for work and labor done and performed by said Boner, on said state road. *Provided*, that said Boner shall be at liberty to accept of the one hundred and fifty dollars, as this act allows, or bring his suit in the same manner as if this act had not passed.

Proviso.

Agent of 3 per cent. fund to sue said commissioner, should he fail to pay said amount.

SEC. 2. And be it further enacted, that in case the said Solon Robinson shall fail or neglect to pay the said amount over to said Boner, on being so demanded by him, the agent of the three per cent. fund be and he is hereby authorized to bring suit in the name of the state of Indiana, against the said Robinson and his securities, on their bond for said one hundred and fifty dollars, and the sum, when collected, to pay over to said John Boner.

This act to take effect and be in force from and after its passage.

CHAPTER XXV.

An Act for the relief of James Chess.

[APPROVED JANUARY 22, 1833.]

Whereas, it is represented to this General Assembly, that Preamble.

James Chess, at the November term, 1816, of the Orange county Circuit Court was fined in the sum of thirty dollars, for an assault on Joseph Glover, and said fine having been remitted by his excellency Jonathan Jennings, then Governor of the state of Indiana; but the same having been paid by said Chess before the sheriff of said county was notified of said remittal:—*Therefore*,

Be it enacted by the General Assembly of the State of Indiana, Relief.

That the trustees of the Orange county seminary be and they are hereby authorized and required to pay said James Chess, his heirs or legal representatives, the sum of thirty dollars out of the first moneys which may come into their hands, belonging to said seminary fund.

This act to be in force from and after its passage.

CHAPTER XXVI.

An Act for the relief of Thomas Speed.

[APPROVED JANUARY 24, 1833.]

Whereas, it hath been represented to the General Assembly of the state of Indiana, that Thomas Speed of Nelson county, and state of Kentucky, executor of Henry Speed, deceased, late of Lawrence county, and state of Indiana, hath for six or seven years last past improperly paid the taxes on certain lands lying and being in the county of Lawrence, and state of Indiana, assessed through mistake in the name of said decedent, the said lands having been purchased of said decedent in his lifetime by a Mr. Lawrence, of Jefferson county, and state of Kentucky, who had also duly paid the taxes on said lands, of all which the said Thomas Speed had no knowledge: and whereas, also, the law regulating the manner of refunding taxes improperly assessed requires the applicant to present his claim within two years from the time of paying said taxes, with which said law the said Thomas Speed could not comply, not knowing of the purchase of the said lands by the said Lawrence. For remedy whereof,

Preamble.

The commissioners of Lawrence county may grant relief.

Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Lawrence county, at their next court, or at any succeeding term thereof, be, and they are hereby authorized to hear and determine the justice of the claim of the said Thomas Speed, executor of the said Henry Speed, deceased, touching the repayment of the taxes on the said lands, so improperly assessed, in the same manner as if his said claim had been presented to the said board, within the said period of two years prescribed by law.

This act to be in force from and after its publication in the Indiana Democrat.

CHAPTER XXVII.

An Act to provide for building school houses in Congressional township No. seventeen, north of range No. nine west, in the county of Vermillion.

[APPROVED JANUARY 24, 1833.]

Power given to the trustees to hold an election for the purpose of ascertaining whether the interest shall be applied in erecting school houses.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the school trustees in congressional township No. seventeen, north of range No. nine west, in the county of Vermillion, to cause an election to be holden on the first Saturday in May next, or [on] some convenient day subsequent, by the qualified voters of said congressional township, for the purpose of ascertaining whether or not the inhabitants thereof are willing to apply the interest due, or which may become due, to the building of school houses in said township, instead of the present law for applying the said funds, accordingly as the same may be or is districted: and those who vote at said election, that are in favor of so applying the funds above mentioned, shall write on their tickets "aye" and those of a contrary opinion "no." The trustees above mentioned shall give at least two weeks' notice of said election, by three or more written advertisements posted up in the [most] public places in said township.

Notice.

School houses to be built.

SEC. 2. And if a majority of the votes given at said election shall be in favor of so applying the fund above mentioned, the trustees aforesaid shall proceed to the building of school houses in the following manner:

Trustees shall advertise for the building of said school houses, etc.

SEC. 3. The trustees aforesaid shall cause the building of said school houses to be advertised at least two weeks, in the most public places in said township, that they will sell on such day as they may direct, to the lowest bidder, the

building of said school houses, one in each district, and particularly setting forth in the advertisement a description of said houses, and the materials of which to be built: and shall require such security of said contractors as they may deem sufficient; and if any contractor shall fail to comply with his contract, it shall be optional with said trustees to pay him any of the proportion of labor done, as to them may seem just and reasonable.

Shall take security from contractor.

SEC. 4. There shall not be applied more than one hundred dollars of the above mentioned fund, to any one school house in said township, nor shall there be more than six school houses built in said township under the provisions of this act; and the balance, if any required, shall be raised according to the provisions of an act entitled "an act incorporating congressional townships and providing for public schools therein," approved February 10, 1831.

No school house to cost more than 100 dollars, and not more than six to be built.

SEC. 5. The township trustees, after ascertaining that the inhabitants thereof are willing to apply their funds under the provisions of this act, may cause the sub-trustees to build, or superintend the building, of said school houses in their respective districts; and the sub-trustees may build such house as they may see proper to build under the provisions of the fourth section of this act.

Sub-trustees in their respective districts to superintend the building.

SEC. 6. And in all cases where this act does not provide, they shall be governed by the provisions of an act entitled "an act incorporating congressional townships and providing for public schools therein," approved February 10, 1831.

In what the act of 1831 is to govern.

This act to take effect and be in force from and after its passage.

CHAPTER XXVIII.

An Act for the relief of Henry Sherly.

[APPROVED JANUARY 28, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Lindley, school commissioner of Orange county, be and he is hereby fully authorized and empowered to receive from Henry Sherly, any sum or sums of money, which now is or hereafter may be due on the north half of [the] north-west quarter of section sixteen, township No. two, north of range one west, in the county of Orange aforesaid, and receipt therefor, and be governed in all respects whatever by the provisions of an act entitled "an act incorporating congressional townships and providing for public schools therein," approved February 10, 1831.

The school commissioner of Orange co. authorized to receive from H. Sherly the money due on part of the 16th section in said county.

Privileges
vested in Sher-
ly on the pay-
ment of mo-
ney in arrear.

SEC. 2. Whenever said Sherly shall have made full payment to said commissioner, of all moneys due and in arrears, on the premises herein mentioned he shall be as fully and as amply to all intents and purposes, whatever, vested with the same rights, privileges, and immunities, as if the same had been paid, agreeably to the provisions of the above recited act.

This act to be in force from and after its publication in the Indiana Journal.

CHAPTER XXIX.

An Act to provide for the indemnification of persons through whose lands roads are or may be located.

[APPROVED JANUARY 28, 1833.]

A part of the
road act of
1831 extend-
ed in its op-
eration.

Be it enacted by the General Assembly of the State of Indiana, That the provisions of the seventh, eighth, and ninth sections of an act entitled, "an act for opening and repairing public roads and highways," approved February 10th, 1831, be and the same are hereby applied and extended to all public roads and highways, whether ordered to be changed, opened, or located by the Legislature, a circuit court, or a board doing county business; and to every person who may sustain damages by reason of the changing, opening or location of such road, through the land of such persons.

CHAPTER XXX.

An Act to declare the post road passing Allensville in Switzerland county a state road.

[APPROVED JANUARY 28, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the road from Jacksonville by Allensville in Switzerland county, intersecting the state road from Madison to Lawrenceburg, near Myers' tavern in Dearborn county, is hereby declared to be a state road.

CHAPTER XXXI.

An Act to authorize the Board of Commissioners of Knox county to provide for the support of the paupers of said county.

[APPROVED JANUARY 29, 1833]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the board of commissioners of Knox county, whenever they may deem it advisable and proper to do so, to employ some humane and responsible person or persons, resident in said county, upon such terms and under such restrictions as they shall consider most advantageous for the interest of the county, whose duty it shall be to receive into his or their care or custody, all persons who may have become a county charge as paupers; and it shall be the duty of the person or persons thus employed, immediately thereupon to take such measures for the employment and support of such paupers, as the board of commissioners shall from time to time establish, order and direct, consistently with the law of the land; and as soon as the person or persons thus employed are prepared for the reception of the poor aforesaid, they shall from time to time, as they may become chargeable as paupers in the respective townships in said county, be removed and delivered into his or their care and custody, who shall receive the same, and who shall do and perform all the duties which may be deemed requisite and proper to be done and performed by said board.

Board of com-
missioners to
appoint su-
perintendent.

His duties.

SEC. 2. The person or persons so employed, as such director or directors by said board, are hereby required to give bond with freehold security, to said board of commissioners, in the penalty of five hundred dollars, conditioned for the faithful discharge of his or their duty; and he or they shall make in writing to such board, a detailed report, at their sessions in May and November annually, of the time and manner of the admission of each pauper, their health and fitness to labor, the results of their industry, and the expenses incurred; and it shall be the duty of the members of such board in person annually to inspect said place of refuge, with regard to its fitness in all respects for the objects of its establishment.

Superinten-
dent to give
bond.

Report to the
board semi-
annually.

Commission-
ers shall an-
nually inspect
the asylum.

SEC. 3. That so soon as the provisions contemplated by this act shall take effect, it shall be the duty of the nearest justice of the peace in each township to investigate the claims of every applicant for the benefit of the poor laws, to a settlement in said county, by summoning and examining testimony or otherwise; and upon such examination, such justice shall without delay order and cause such ap-

Justices of the
peace in the
several town-
ships shall in-
vestigate the
claims of ap-
plicants.

Expenses of removal, etc. paid by the county.

Act of 1831 to be in force in Knox county.

Office of overseer of the poor to cease, and duties to be transferred to the justices of the peace.

Commissioners may levy additional tax, etc.

plicant to be removed to his or her proper place of legal settlement, or to receive temporary or permanent relief by admission into the said place of refuge of said county, as the case may require; and every expenditure necessarily ordered by such justice of the peace, in effecting such removal or transfer, shall be paid out of the county treasury, on the allowance of the board of commissioners.

SEC. 4. The several provisions of the act entitled "an act for the relief of the poor," approved February 10, 1831, except so far as the same are changed by this act, shall be and are hereby declared in full force, within and for the said county of Knox.

SEC. 5. From and after the taking effect of this act, all the duties now assigned to and required of overseers of the poor shall be, and hereby are transferred to the respective justices of the peace of said county of Knox, as herein provided; and said overseers of Knox county shall severally deliver to the board doing county business, all the books and papers relating to the poor of the proper township; and the said office of overseer shall thereafter cease and be determined in said county.

SEC. 6. The board of commissioners of said county are hereby authorized in their discretion, from time to time to assess, on property liable to be assessed for county purposes, an additional tax sufficient completely and beneficially to effect the objects above contemplated.

CHAPTER XXXII.

An Act to incorporate the Monroe County Female Seminary.

[APPROVED JANUARY 29, 1833.]

First board of trustees.

Corporate name and powers.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Bowland, John Hight, William Alexander, James D. Robertson, Frederick T. Butler, Austin Seward, Richard Hardesty, Ellis Stone, and John Graham, and their successors in office, are hereby constituted a body politic and corporate by the name and style of "The President and Trustees of the Monroe County Female Seminary," and by the said corporate name may sue and be sued, plead and be impleaded, in any court or legal proceeding in this state; and by that name have perpetual succession; they shall in law, and by the said name, be capable of purchasing, holding, bargaining, selling, and conveying any property, either real or personal, for the use of said seminary, whether by legal or equitable title, espe-

cially of any property now belonging to, or in use for the present county seminary of said county; they shall further be empowered to receive all and singular, any subscriptions, gifts, grants, donations, and bequests, which shall be solely appropriated to the use and benefit of said seminary, in such manner as said trustees shall deem most profitable or expedient.

SEC. 2. The said trustees shall meet in the town of Bloomington, at such time and place as a majority of them may agree upon, and elect of their own body a president and secretary, and also a treasurer who shall not be of their body, to continue in office during the pleasure of said trustees, who shall have power at any time to remove them or either of them from office and to fill the vacancy.

SEC. 3. Such treasurer before he enters upon the duties of his office, shall execute a bond, payable to the state of Indiana, in a penal sum not exceeding double the amount of funds, notes, and debts that may probably come into his hands, in the discretion of said trustees, conditioned for the faithful performance of his trust; and that he will pay over to the order of said trustees, all moneys that may come into his hands as such treasurer, and for the delivery to his successor in office, all moneys, books, bonds, notes, papers, and other valuable things whatsoever, that may come into his hands as such treasurer, and shall also take an oath before some justice, for the due performance of his duties.

SEC. 4. Said trustees shall purchase a book, in which the said secretary shall record all their proceedings; each day's proceedings shall be read over in the hearing of the board of trustees, and after correction, if necessary, shall be signed by the president and attested by the secretary.

SEC. 5. No money shall be paid over but upon the order of the trustees, entered of record as aforesaid; a copy of which order, certified by the secretary, shall be sufficient authority for the treasurer to pay over the amount, to the person in whose favor such order was made, his or her heir, executor, administrator, or assignee.

SEC. 6. The board of trustees shall have full power from time to time, to make such by-laws, ordinances, and regulations, not inconsistent with the constitution and laws of this state, or of the United States, as they may deem advisable for the good government of said seminary or of the students, pupils, professors, and teachers thereof, and the same to put in execution, revoke, repeal, alter, amend, or make anew, as to them may seem proper.

SEC. 7. The board of trustees are authorized and empowered to purchase and procure a conveyance to them as such body corporate, a suitable site in the town of Bloomington, to erect thereon a suitable building or buildings, ing.

Officers, when chosen.

Treasurer's bond and oath.

Record to be kept by secretary.

Disbursements, how made.

Bye-laws.

Trustees empowered to purchase a site for building.

Proviso.

for the use of said seminary, and to keep the same in good repair, and to furnish and provide whatsoever to them may seem advisable: *Provided*, that the said trustees may select for such site, any lot of ground, now or hereafter belonging to the county seminary of said county, or to said county, for the use of said seminary.

Meeting of trustees.

SEC. 8. Said trustees shall meet when, where, and as often as they may think necessary; and a majority of said board, shall constitute a quorum for the exercise of any power or the transaction of any business by them, as contemplated by this act; a majority of those present at a meeting shall determine any question before them: *Provided, however*, that in all cases where a meeting is held, otherwise than on adjournment, the president shall give or cause to be given notice of the time and place of such meeting to each trustee.

Quorum.

Proviso.

Board of trustees shall have control of the seminary fund.

SEC. 9. The board of trustees shall be authorized to demand and receive of the present trustee, or any former trustee of the seminary fund of said county, all moneys, books, notes, and papers belonging to said seminary fund in his hands, and to settle with any such trustee in relation thereto, and to institute one or more suits in law or equity, in their corporate name, or for their use as such body corporate, as the case may be, against any such trustee, and recover a judgment or decree thereon, and be entitled to execution or other remedy thereon as in other cases; the proceeds of which judgment or decree to form a part of the said seminary fund; but no contract made or note given to or by any such trustee, shall be annulled or made void by said board, but they shall have power to collect the same by suit or otherwise; they shall also have power to demand and receive from the treasurer, on their order duly certified by their secretary, their due proportion of all money paid into his office, received from persons conscientiously scrupulous of bearing arms, to which the said county of Monroe is or may be entitled, which order shall be a sufficient voucher for the same.

Further power of trustees in relation to buildings.

SEC. 10. Nothing in the seventh section of this act shall be so construed as to prevent said board from occupying any other building for the reception and accommodation of the pupils, students, teachers, and instructors of said seminary, whether by lease, bargain and sale, conveyance or otherwise, for such time as they may think proper.

Power to make contracts.

SEC. 11. Said body corporate may make any contract, whether through or by an agent or otherwise, whether sealed, written, or by parol, may procure bonds to be made payable to them by their corporate name, conditioned for the performance of conditions or otherwise, and be liable to

sue or be sued, as the case may be, on any such contract or bond.

SEC. 12. That from and after the time that said treasurer is appointed and qualified to act as such, it shall be the duty of all persons having money for the use and benefit of said fund, to pay the same over to the treasurer of said body corporate, whose receipt shall be a sufficient voucher for the same; and said board shall have the right of instituting one or more suits for any such moneys not so paid over.

SEC. 13. The said treasurer shall keep a just and true account of all moneys by him received, in a book to be by him kept for that purpose; and said treasurer shall receive for his services such reasonable compensation as the said board may allow him from time to time.

SEC. 14. When the seminary fund shall accumulate sufficiently for the purpose, after defraying the necessary expenses, the said trustees may, if they think proper, appropriate such fund to the payment of a teacher or teachers and necessary assistance, so as to reduce the price of tuition, and if practicable make the same a free school, under the restrictions herein provided.

SEC. 15. Any vacancy which may occur in the office of either of said trustees, by refusal to serve or qualify, or by death, removal, or otherwise, shall be filled by the remaining trustees.

SEC. 16. Said trustees shall annually make a detailed report of the objects and amount of all disbursements of such funds as may come to their hands, to the board doing county business for said county, which shall be entered on their records.

SEC. 17. The said seminary shall be exclusively confined to the education of females, who may be taught therein any of the languages, sciences, fine arts, ornamental branches, general literature, and such other branches or departments of education, as the said trustees may authorize.

SEC. 18. Any such treasurer shall have all the rights, powers, incidents, and be subject to all the duties and liabilities of the present seminary trustee of said county, subject however to the provisions of this act.

SEC. 19. In all meetings of the said trustees, the president and secretary shall each be entitled to a vote.

SEC. 20. Nothing in this act contained shall prevent the said board of trustees from appointing the trustee of the seminary fund of said county as such treasurer.

SEC. 21. The board of trustees may authorize the treasurer to loan any part of said fund, on good security, for the sufficiency of which such treasurer shall be responsible: notes for the re-payment of any such loans shall be made

Money belonging to the seminary to be paid to the treasurer.

Treasurer's duty and compensation.

Seminary fund, may be applied to the payment of teachers.

Vacancies, how filled.

Annual report.

Seminary confined to females. Branches to be taught.

Treasurer's powers and liabilities.

President etc, may vote.

Trustee of seminary fund may be treasurer.

Treasurer may loan fund.

payable to the "President and Trustees of the Monroe County Female Seminary."

Trustees shall
give bond.

SEC. 22. Said trustees, before entering on the duties of their office, shall jointly execute a bond, with security to be approved by the clerk of the Monroe circuit court, payable to the state of Indiana, in a penalty of two thousand dollars, conditioned for the faithful performance of their duties. Each person subsequently appointed such trustee, shall execute a similar bond, in a penalty of four hundred dollars; such bonds shall be filed in the office of said clerk.

Seal.

SEC. 23. Said body corporate may adopt a common seal, with such devices as they may direct, a description of which shall be entered in their record book: *Provided*, that until such seal is adopted, the said body corporate may use the private scrawl or ink seal of their secretary, to authenticate such of their proceedings as may require authentication.

Proviso.

Non-resident
students not
to receive be-
nefit of the
fund.

SEC. 24. No part of said fund shall be appropriated to defray any part of the tuition of a student or pupil who shall not at the time be a resident of said county.

Compensa-
tion to trus-
tees.

SEC. 25. The board doing county business for said county, shall allow such compensation to the said trustees from time to time as they may deem reasonable.

Right reserv-
ed to the le-
gislation.

SEC. 26. The Legislature reserves to itself the right of amending or repealing this act at any time hereafter.

Act of 1831
not to affect
this law.

SEC. 27. The provisions of the act entitled "an act relating to county seminaries," approved February 4th, 1831, shall not affect this act, so far as the same comes within the purview thereof.

CHAPTER XXXIII.

An Act supplementary to an act entitled "An act regulating divorces," approved January 17th, 1831.

[APPROVED, JANUARY 30, 1833.]

Preamble.

Whereas, doubts have arisen, whether by the provisions of the act to which this act is supplementary, *libels* for divorce and the proceedings thereon, shall be deemed as within common law or chancery jurisdiction: and whereas questions frequently arise in such proceedings which are properly cognizable in a court of chancery:—Now, therefore, to the end that such questions may be determined in one and the same suit, thereby avoiding useless and expensive litigation,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That each circuit court, as a court of chancery,

shall have jurisdiction of any libel or petition praying or asking for a divorce.

Practice as in
other cases.

SEC. 2. The practice and proceedings in every such suit, as to demurring, pleading, answering, and replying, and every other matter or point of practice, shall be the same as is provided by law in other cases in chancery, subject to the provisions of this act, and the act to which this is supplementary: *Provided, however*, that the defendant from whom the complainant is sought to be divorced, may, as to so much of the libel or petition, as contains the alledged cause or causes of divorce, by general denial, without oath or affirmation controvert the same, and may also allege any cause or causes of divorce to apply to such complainant; but on the setting down such cause for hearing or trial, no want of such denial or absence of such defendant, shall dispense with the proof by such complainant, of such cause or causes alledged for such divorce: nor shall any want of denial of the complainant, of any cause or causes of divorce, so alleged as aforesaid, against said complainant, dispense with the proof of such cause or causes, by the said defendant.

Proviso.

SEC. 3. In every such cause, witnesses may be examined *viva voce*; and depositions may be taken and read in evidence, and every other kind of evidence shall be admitted in such cause, in like manner and under the same regulations, as in civil causes other than in suits in chancery in circuit courts.

Evidence,
what kind
admitted.

SEC. 4. Any judgment or decree in a suit or libel for a divorce, heretofore granted or rendered by a circuit court in this state, is hereby ratified and confirmed; and the parties therein divorced, are hereby divorced, to all intents and purposes: *Provided, however*, that the provisions of this section shall not extend to any such case, which has been removed to the supreme court, by appeal or writ of error, or in which a bill of exceptions has been taken in the circuit court.

Divorces con-
firmed.

Proviso.

SEC. 5. The third and eighth sections of the act to which this is supplementary are hereby repealed.

Repeal.

SEC. 6. The circuit courts of this state, are hereby vested with power and jurisdiction to hear and determine petitions for divorces in any county where the complainant may reside, without regard to the place where the causes assigned for divorce occurred.

Jurisdiction
of circuit
court.

CHAPTER XXXIV.

An Act supplemental to an act entitled "an act to provide for selling the Michigan road lands, to open that part of the Michigan road between Logansport and Lake Michigan and for other purposes," approved February 2, 1832.

[APPROVED, JANUARY 30, 1833.]

Further appropriation.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of twenty-five thousand dollars, in addition to the amount appropriated by the act to which this is a supplement, be, and the same is hereby appropriated out of the Michigan road funds, for the further improvement of said road.

How to be expended.

SEC. 2. That the sum herein appropriated, of twenty-five thousand dollars, shall be expended on the said road, between Logansport and the Ohio river, unless the unexpended balance, being twenty thousand three hundred and ten dollars, of the appropriation made by the act to which this is a supplement, shall be found insufficient to make the said road between Logansport and Lake Michigan as good as that part of said road between Logansport and the Ohio; in which case, the commissioner of said road is authorized to expend such portion of the sum hereby appropriated in the improvement of that part of said road north of Logansport, as will make the same equally as good as that part of said road south of Logansport.

Commissioner's duty in giving contracts.

SEC. 3. That the commissioner of said road shall, between the first day of March and November next, cause such improvements to be made on said road, under the provisions of this act, as on examination he may deem most to the public interest, and where improvements are most needed, so as to make the same, as near as may be, in every part equally good from the Lake to the Ohio; such improvements to be let at public outcry, to the lowest bidder, or by private contract, as shall be found best for the public interest.

Lands to be sold for cash.

SEC. 4. That the north east quarter and the north east fraction of each section shall be sold for cash only, until the full amount due to the state treasury, from the Michigan road fund, is fully paid.

Further time given to former contractors.

SEC. 5. That nine months further time be allowed for the completion of all contracts for work on said road heretofore made by virtue of the act to which this is a supplement.

Treasurer's and auditor's duty in regard to scrip.

SEC. 6. That all the scrip issued by said commissioner, by virtue of this act or the act to which the same is a supplement, which shall have been redeemed and paid into the state treasury, or which may hereafter be so redeemed

and paid in, shall be, by the treasurer and auditor of state cancelled and burned, keeping a register of the scrip so destroyed.

SEC. 7. That the said commissioner is hereby authorized to change the location of the said road at Shelbyville in Shelby county, so as to make the same pass through Washington street in said town: *Provided*, the same can be done without expense to the fund, and will not increase the length or be on worse ground.

Commissioner may change the location of the road.

This act to take effect from and after its passage.

CHAPTER XXXV.

An Act to amend the act entitled "an act directing the mode of suing out and prosecuting writs of *habeas corpus*," approved January 12th, 1828.

[APPROVED, JANUARY 30, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever it shall appear by petition and affidavit, to any court or judge authorized to issue the writ of *habeas corpus*, that the person so supposed to be illegally imprisoned, is in danger of being concealed or removed out of the county where he or she is so confined, it shall be the duty of the court or judge to order the clerk of the proper court to issue a writ of *habeas corpus* to the sheriff or coroner, as the case may be, of the county where the person is alleged to be confined, commanding that officer to take the body of the person so confined into his immediate custody, and have him or her before the court or judge ordering such writ, on a day therein to be specified; and also notify the individual who may be found holding such person in the supposed confinement, to appear at the time and place of the return of the writ, and show the cause of the detention of the person so held in confinement.

Duty of the court or judge when the person imprisoned is in danger of being concealed.

SEC. 2. The court or judge shall, on the return of the writ with the body of the person so detained, hear and determine the case, in the manner prescribed in the act to which this is an amendment.

How to be determined.

SEC. 3. And if any person shall conceal the individual so ordered to be taken into custody, or shall hinder or obstruct the officer in the due execution of the writ, such person shall be subject to the same penalty and forfeitures as is declared in the fourth section of the act to which this is an amendment: *Provided, however*, this act shall not operate to apply to fugitives from labor, who, by the order or judgment

Penalty for obstructing officers.

of a judge or justice of the peace, shall be in the possession of the master, agent, or attorney of said fugitive from labor.

CHAPTER XAXVI.

An Act to repeal an act entitled, "an act to vacate the town of Owensville," approved January 3d, 1829.

[APPROVED, JANUARY 30, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the act entitled, "an act to vacate the town of Owensville," approved January 3d, 1829, be, and the same is hereby repealed; and that the public square, the commons, and all the streets and alleys of every description, as they are represented on the plat of the said town of Owensville, be, and they are hereby reinstated and established, in the same situation, and for the same purposes, in all respects whatever, for which they existed and were represented on the said plat previous to the taking effect of the above recited act; but nothing herein contained shall be so construed as to prevent persons interested in said town, or holding property therein, from having the said town of Owensville, or any part thereof vacated, agreeably to the provisions of the act entitled "an act to authorize the vacation of towns," approved February 10th, 1831.

CHAPTER XXXVII.

An Act changing the name of John Meek and others.

[APPROVED, JANUARY 30, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the names of John Meek and Nancy his wife, and of their infant children, Julia Ann, Maria, Jonathan, Henry, and Nancy, all residents of Jennings county, be, and they are hereby changed; and the said John and Nancy shall hereafter be known by the names of John and Nancy Childs; and their said children by the names of Julia Ann, Maria, Jonathan, Henry, and Nancy Childs; and that the marriage contract heretofore solemnized between said John and Nancy is hereby made as valid as if said John had at the time of his marriage been known by the name of Childs: *Provided*, that nothing in this act contained shall be

Proviso,

so construed as to impair or in any way affect the rights of any person or persons whatever.

This act to be in force from and after its publication in the Indiana Journal, a paper printed at Indianapolis.

CHAPTER XXXVIII.

An Act to incorporate the Christian College, at New-Albany in Floyd county, Indiana.

[APPROVED, JANUARY 24, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Cook Bennett, B. H. Miles, B. W. Stone, N. Field, F. E. Becton, L. Woodruff, C. Basworth, M. Cole, W. Scott, J. Bledsoe, and their associates and successors in office, be, and are hereby constituted and declared to be a body corporate and politic, by the name and style of "the Christian College," and by that name they shall have perpetual succession, with full power and authority to confer or cause to be conferred degrees; to contract and be contracted with; to acquire, hold, enjoy and transfer property, real or personal, in their corporate capacity: *Provided*, that said corporation shall not own at any one time, more than ten thousand dollars worth of real property; to make, have, and use a common seal, and the same to alter at pleasure; to sue and be sued, plead, and be impleaded in any court of law or equity; to receive and accept of any grant, gift, donation, bequest, or conveyance by any person, company, or corporation, of any property, real or personal, and to hold and enjoy and dispose of the same, as may be deemed best for the interest of said college; to elect a president and all such other officers, professors, instructors, tutors, and agents as they may think necessary for the benefit of said university; to make, ordain establish, and execute such bye-laws, rules, and ordinances, not inconsistent with the constitution and laws of the United States or of this state, as they shall deem necessary for the welfare of said institution; and to do all other acts in pursuance thereof necessary for the prosperity of said university, and for the promotion of scientific and literary objects, connected with said college.

SEC. 2. The following shall be the fundamental laws of said institution, to-wit: All elections shall be by ballot, and the majority of votes shall decide; and a majority of members present at any meeting of the corporation, shall govern in all other cases; there shall be four quarterly meetings of the corporation, to-wit: upon the last Wednesdays of Janu-

First board of trustees.

Corporate name, etc.

Proviso.

Common seal.

Bye-Laws.

Fundamental laws, etc.

ary, April, July, and October, in each year, with power to continue from time to time, if the business requires it; a plurality shall form a quorum to do business at any meeting; no religious doctrine or tenets peculiar to any sect of professing christians shall ever be taught the students of said institution, as such, either directly or indirectly, by any of the professors, instructors, tutors, or members of the corporation, or any other person or persons connected therewith, under the penalty of immediate expulsion; and every member of the corporation, and every professor and officer, and every person connected with the same, students excepted, shall take the following obligation, before they enter upon the duties assigned them, which shall be administered by any person duly authorized to administer oaths in this state, to-wit: "You do solemnly affirm, that you will well and truly discharge the duties assigned you according to the best of your abilities, and that you will support the charter of the Christian College, under the pains and penalties of perjury."

First officers.

SEC. 3. That John Cook Bennet shall be the first president, B. H. Miles the first vice-president, B. W. Stone and M. Cole the first secretaries, and Seth Woodruff the first treasurer, who shall hold their offices until after the first meeting of the corporation, and until after their successors are elected and qualified.

Time of first meeting.

SEC. 4. The first meeting of said corporation shall be on some day in the month of January or February, eighteen hundred and thirty-three, as circumstances may suit.

Public act.

SEC. 5. This act is declared to be a public act, and the same shall be construed favourably for every beneficial purpose therein intended: *Provided, however,* that the Legislature reserves the right of altering or amending said charter, at any time after the expiration of ten years.

Proviso.

This act shall take effect and be in force from and after its passage and publication in the Political Pioneer, printed at Charlestown, Indiana.

CHAPTER XXXIX.

An Act to define and establish the boundaries of the counties of Wabash and Miami.

[APPROVED, JANUARY 30, 1833.]

Preamble.

Whereas, there is an ambiguity in the description of the boundaries of the counties of Wabash and Miami, as designated in an act entitled, "an act establishing the coun-

ties of Huntington, Wabash, and Miami," approved February 2d, 1832: to remedy which, therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the boundaries of the county of Wabash be, and they are hereby changed and established as follows, to-wit: beginning at the north east corner of section five, in township twenty-five north, in range eight east, on the northern boundary line of the county of Grant, being the south west corner of Huntington county, running thence west sixteen miles, thence north twenty-four miles, thence east with the township line between townships twenty-nine and thirty north, sixteen miles to the north west corner of Huntington county, thence south twenty-four miles with the western boundary of said county to the place of beginning.

Boundaries of Wabash.

SEC. 2. *Be it further enacted,* That the boundaries of the county of Miami, as described in the act referred to in the foregoing section, be, and they are hereby changed and established as follows, to-wit: beginning at the north east corner of section three in township twenty-nine north, being the north west corner of Wabash county, running thence south with the western boundary of said county twenty-four miles, thence from the south west corner of the county of Wabash, east four miles to the north west corner of Grant county, thence south six miles, thence west fourteen miles, thence north with the range line dividing ranges three and four east of the second principal meridian thirty miles, thence east ten miles on the township line dividing townships twenty-nine and thirty to the place of beginning.

Miami.

SEC. 3. *Be it further enacted,* That the boundary line of Cass county shall be as follows, to-wit: beginning at the western boundary line of the Great Miami Reservation, at the intersection of the township line dividing townships twenty-four and twenty-five, thence north nine miles, thence west eight miles to the south west corner of section number fifteen in township twenty-six north of range one west, thence north three miles, thence west three miles to the range line dividing ranges one and two west, thence north to the boundary line of the purchase of eighteen hundred and twenty-six, thence eastwardly with the said boundary line twenty-four miles to the range line dividing ranges three and four east, thence south with said range line crossing the Wabash to a point due east of the place of beginning.

Cass.

This act to take effect and be in force from and after its publication.

CHAPTER XL.

An Act to repeal a part of the "act regulating the fees and salaries of the several officers and persons therein named," approved February 7th, 1831.

(APPROVED, JANUARY 31, 1833.)

Be it enacted by the General Assembly of the State of Indiana, That the ninth section of the "act regulating the fees and salaries of the several officers and persons therein named," approved February 7th, 1831, be, and the same is hereby repealed.

CHAPTER XLI.

An Act to repeal all special acts and parts of special acts allowing the County Commissioners of Dearborn county to lay an additional tax on said county.

[APPROVED, JANUARY 30, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That all acts and parts of acts allowing the commissioners of Dearborn county to levy an additional tax on said county, for any purpose whatever, more than may be embraced in the general law for raising revenue, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER XLII.

An Act to provide for the Election of a Justice of the Peace in the town of St. Omer.

[APPROVED FEBRUARY 2, 1833.]

Board of commissioners to order election.

Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Decatur county be, and they are hereby authorized at the next March term of said board; or at any term of said board thereafter, to order one justice of the peace to be elected in the town of St. Omer, in Adams township in said county, in addition to the two justices of the peace, already appointed to said township, in the same manner that they

might have done or could do, if said town was incorporated: *Provided* said board shall be of opinion that such additional justice of the peace would be necessary; any law in force to the contrary notwithstanding. Proviso.

This act to be in force from and after its publication in the Indiana Journal.

CHAPTER XLIII.

An Act in relation to the Secretary and Treasurer of State, and for other purposes.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That James Morrison, late secretary of state, be allowed and paid by the canal fund commissioners, the sum of sixty-eight dollars and seventy-five cents, being the amount due him on his salary, under the act approved January 28, 1830, entitled "an act providing means to construct the portion of the Wabash and Erie Canal, within the state of Indiana." Allowance to the late secretary of state, out of canal fund.

SEC. 2. So much of the ninth section of the act aforesaid, as provides a compensation out of the canal fund, to the secretary of state and treasurer of state, for certain services, be, and the same is hereby repealed. Repeal.

This act to be in force from and after its passage.

CHAPTER XLIV.

An act supplemental to "an act to authorize the Agent of State for the town of Indianapolis, to lay off the land belonging to the State, and offer the same for sale," approved February 9, 1831.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the agent of state shall cause the ferry house and the lot of land on which it is situated, to be by him designated, to be offered at public sale to the highest bidder, so soon as the bridge over White River shall have been completed by the United States, and passable by the citizens of this state, on the same terms that lots were sold, under the provisions of the act to which this is supplementary. Agent shall sell ferry house and lot so soon as the bridge over White river is passable.

SEC. 2. The salary of the agent of state for the town

Salary of agent after next election, to be \$100 00 per annum. of Indianapolis, shall from and after the next election of that officer, be reduced to the sum of one hundred dollars per annum; any law now in force to the contrary notwithstanding.

This act to be in force from and after its passage.

CHAPTER XLV.

An Act amendatory of "an act to incorporate the town of Lawrenceburgh."

[APPROVED, FEBRUARY 2, 1833.]

A part of 6th sec. of act of 1831 repealed. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the sixth section of the act entitled, "an act concerning the corporation of the town of Lawrenceburgh," approved February 10, 1831, as requires the president and select council of said town to observe in the assessment and collection of taxes, the same times and regulations as are now, or may hereafter be directed to be pursued in the assessment and collection of county revenue, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage and publication in the Western Statesman or Indiana Palladium.

CHAPTER XLVI.

An Act to amend an act entitled "an act relating to County Seminaries."

[APPROVED FEBRUARY 2, 1833.]

Board of commissioners to appoint trustees, where the people fail to elect. *SEC. 1. Be it enacted by the General Assembly of the State of Indiana,* That in all cases where the voters of the county shall neglect or shall fail to elect trustees of county seminaries as provided in the 11th section of the act to which this is an amendment, that the board doing county business shall appoint such trustees, who shall in all things be governed by the act to which this is an amendment, and shall take the same oath and give the same bond, as required by the act to which this is an amendment, and shall be a body corporate and politic, with the same powers and obligations as though they had been elected: and any thing in the act to which this is an amendment, that requires the said trustees to be selected from each commissioner's district, be, and the same is hereby repealed.

SEC. 2. In all cases where bonds have been executed to the boards doing county business, or to any person or persons, body corporate or politic, for the conveyance of ground for the use of a county seminary, the said ground shall be conveyed to the county wherein such seminary is situate, for the use of the county seminary, forever.

SEC. 3. In all appointments heretofore made by the boards doing county business, of trustees of county seminaries, under the 11th section of the act to which this is an amendment, be, and the same is hereby legalized, so far as relates to the appointment of said trustees.

SEC. 4. And be it further enacted, That it shall be the duty of the boards doing county business in the several counties in this state, to keep all records in relation to county seminaries, or seminary money, in separate books, to be by them provided for that purpose; and all records therein, shall be signed by the said board, and attested by their clerk. Receipts for seminary money may be recorded by said clerk in vacation.

This act to be in force from and after its passage.

CHAPTER XLVII.

An Act to amend an act entitled "an act regulating the Interest of Money in the State of Indiana," approved, February 1st, 1831.

[APPROVED FEBRUARY 2, 1833.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That no person or persons, body politic or corporate, shall on any contract, hereafter made, directly or indirectly take or receive for the loan or use, or forbearance of money, or on any contract for the payment of money, above the rate or value of six dollars for the loan, use, or forbearance, or on the contract for the payment of one hundred dollars for one year, and so proportionally for any greater or less sum, and for any longer or shorter time; unless the stipulation to pay a higher rate of interest be made in writing and signed by the party to be charged. But in no case whatever, shall any person or persons, body politic or corporate, take or receive, more than ten dollars for any such loan, use, or forbearance of money, or on any such contract for the payment of one hundred dollars, for one year, and so proportionally for any longer or shorter time, or for any greater or less sums.

SEC. 2. That the second section of an act to which this is an amendment, be, and the same is hereby repealed.

SEC. 3. Should any person directly or indirectly re- Penalty.

Conveyance on lands executed for use of county seminary, to be made to co. for use of co. seminary.

App't of trustees legalized.

Records in relation to co. seminaries, to be kept in separate books.

Rate of interest to be 6 per cent. unless it be agreed in writing to pay a higher rate, but which in no case can exceed 10 per cent.

2d sec. of act of '31 repealed.

ceive any greater rate of interest than ten per cent. per annum, the person so offending shall, on conviction by presentment or indictment, pay a fine to the state of Indiana, for the use of the county seminary in the county where the offence shall be committed, in double the amount of the excess of interest above ten per centum per annum, so received.

CHAPTER XLVIII.

An Act declaratory of the powers of Notaries Public.

[APPROVED, FEBRUARY 2, 1833.]

Notaries may take affidavits, proofs of deeds, &c. & his seal and certificate to be of equal validity with that of clerks.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That each and every notary public in this state shall be authorized to take and certify all affidavits and depositions, authorized to be taken and certified by justices of the peace, and to take and certify all proofs of deeds, mortgages, powers of attorney, and all other instruments in writing authorized to be taken and certified by justices of the peace; and his certificate and attestation, with his official seal, shall be taken and received in all cases, to be of equal verity and validity with the certificate, attestation and seal of a clerk of the circuit court.

Fees.

SEC. 2. In all cases, where an authentication or certificate of a notary public shall be made for the purpose of being used in any other county than that in which such notary public is resident, the fee of such notary public shall be the same as that allowed to the clerks of the circuit court for similar services.

CHAPTER XLIX.

An Act to legalize the proceedings of the Seminary Trustees of Union county.

[APPROVED, FEBRUARY 2, 1833.]

Election, &c. legalized.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the election and proceedings of Isaac N. Hanna and Andrew Nixon, trustees of the county seminary of Union county, elected on the first Monday in August last, under the provisions of the act entitled, "an act relating to county seminaries," approved, February 4, 1831, be, and the same are hereby legalized.

SEC. 2. That the board of commissioners of said county of Union be, and they are hereby authorized to appoint

some suitable person, in said county, to fill the vacancy in said board of seminary trustees.

This act to take effect and be in force from and after its passage.

Board of commission's authorized to fill vacancies.

CHAPTER L.

An Act for the relief Ann M. Smith.

[APPROVED, FEBRUARY 2, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the marriage tie heretofore existing between Ann M. Smith of Fayette county and her husband James Smith be, and the same is hereby dissolved.

This act shall be in force from and after the first day of March next.

CHAPTER LI.

An Act to reduce the salary of the Agent of the three per cent. fund.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act, the compensation of the agent of the three per cent. fund shall be one hundred and fifty dollars per annum, and no other or greater remuneration shall be to the said agent allowed for the performance of any official duties of him required in any manner whatever.

Agent's salary, \$150 00.

SEC. 2. That a joint resolution entitled, "a joint resolution to increase the salary of the agent of the three per cent. fund," approved January 19th, 1829, and all other resolutions, acts, and parts of acts coming within the purview of this act be, and the same are hereby repealed.

Repeal.

SEC. 3. That the term of the present agent of the three per cent. fund shall expire and terminate on the first Monday in January, 1834.

Term of present agent.

This act to take effect and be in force from and after its passage.

CHAPTER LII.

An Act to encourage the apprehension of horse thieves.

[APPROVED, FEBRUARY 2, 1833.]

County commissioners to make allowance for their apprehension.

Be it enacted by the General Assembly of the State of Indiana, That whenever hereafter any horse thief may be apprehended and convicted of stealing any horse, mare, or mule, it shall be lawful for the board doing county business, of the county where such theft may have been committed, to allow the person or persons apprehending such felon or felons, any sum out of the county treasury not exceeding forty dollars. This act to take effect and be in force from and after its passage.

CHAPTER LIII.

An Act for the relief of Mary Lane, widow of Daniel C. Lane, late Treasurer of State.

[APPROVED, FEBRUARY 2, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That Mary Lane, the widow of Daniel C. Lane, late treasurer of state, be allowed the sum of one hundred and eighteen dollars and forty cents, in full of all office rent which may have been due her late husband, while acting as treasurer of state.

CHAPTER LIV.

An Act to amend an act entitled "an act to regulate descents, distribution, and dower," approved January 29, 1831.

[APPROVED, FEBRUARY 2, 1833.]

Same portion allowed to widows of testates as to those of intestates.

Be it enacted by the General Assembly of the State of Indiana, That the widow of any person dying testate shall be entitled to the same portion of the real and personal estate of her deceased husband, as is by the act to which this is [an] amendment secured to the widows of intestates, except when such widow shall have accepted of a devise or legacy made to her by the will of her deceased husband, in satisfaction of such portion.

CHAPTER LV.

An Act to provide an Executive Officer of the Supreme Court.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the judges of the supreme court shall, at their next May term, appoint an executive officer thereof, who shall be denominated the sheriff of the supreme court.

Appointment to be made at May term.

SEC. 2. Said sheriff shall hold his office for the term of three years, and until his successor is appointed and qualified. In case of vacancy, the judges of said court may fill the same either in vacation or term time.

Term of office three years.

SEC. 3. Said sheriff shall execute bond, payable to the state of Indiana, in the penalty of ten thousand dollars, with freehold security, under the sanction of the judges of said court, conditioned for the faithful discharge of the duties of his office.

Sheriff shall give bond.

SEC. 4. Said sheriff shall, by himself or deputy, attend said court in term time, and execute all orders of the same, and shall discharge all the duties in relation to said court which the sheriffs of the several counties in this state are required to perform in relation to the circuit courts. He shall execute all writs and process directed to him from the said court or the clerk thereof, and shall be subject to all the penalties, forfeitures, amercements, liabilities, and proceedings, for neglect, refusal or failure to discharge any of the duties of said office, to which sheriffs of the several counties in this state are now subject for neglect, refusal, or failure to discharge similar duties in relation to the circuit court.

His duties and liabilities.

SEC. 5. Said sheriff shall receive the same fees and compensation for all services rendered by virtue of his office and in pursuance of this act, that are now allowed by law to the sheriffs of the several counties for like services: *Provided,* that mileage shall not be allowed said officer, except from the county seat of the county in which process may be executed, to the place of service: *And provided, also,* that said officer shall be entitled to double postage on all process or other official documents transmitted by mail to any part of this state, to be taxed as other costs are.

Fees allowed.

Proviso.

Proviso.

SEC. 6. Said sheriff shall have power to appoint as his deputies the sheriffs of the several counties, and such others as he shall think proper, being responsible for their acts.

May appoint deputies.

SEC. 7. Said sheriff shall serve any and all rules, orders, and process which may be issued by the authority of the supreme court, against any sheriff or coroner of any county, for any neglect, default, refusal, misfeasance or malfeasance.

Further duties.

sance of duty on, or in relation to any process heretofore issued to such sheriff or coroner from the supreme court or the clerk thereof.

Court may
appoint sher-
riff pro tem.

SEC. 8. In all cases where said sheriff may be interested or prejudiced, it shall be the duty of the supreme court in term time, or any judge thereof in vacation, to appoint a sheriff *pro tempore*, who, for that occasion, shall exercise the powers and be subject to all the liabilities of the principal sheriff.

CHAPTER LVI.

An Act to amend the existing laws providing for the election of Representatives in Congress.

[APPROVED, FEBRUARY 2, 1833.]

Governor
shall issue his
proclamation
to the sheriffs,
etc.

Be it enacted by the General Assembly of the State of Indiana, That if at any time the governor shall be apprised of a probable convention of congress, between the fourth day of March and the first Monday in August, it shall be his duty to issue his proclamation, directed to the sheriffs of the several counties, directing them to cause an election to be holden in their respective counties for the purpose of electing representatives in congress, fixing a day for such election in each district, not less than thirty days subsequent to the issuing thereof; and the governor shall cause copies of such proclamation to be forwarded to the sheriffs aforesaid, and also cause the same to be otherwise published in such newspapers as he may think proper. He shall also, by such proclamation, direct the mode of notifying the electors of the times of such election, and such elections shall be held at the places at which general elections are holden, and returns thereof shall be made by the proper returning officers to the several clerks of the circuit courts, who shall forthwith transmit a certificate of the result thereof to the governor; and in all other respects such elections shall be conducted, and the return thereof, according to the laws regulating general elections.

CHAPTER LVII.

An Act to amend the laws now in force relative to the construction of the Wabash and Erie Canal.

[APPROVED, JANUARY 31, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State*

of Indiana, That the commissioners of the canal fund be, and they are hereby directed to deposit in some safe bank, all such sum or sums of money, for the best interest the same will command, as they shall receive in virtue of loans made, or which shall be made for the Wabash and Erie canal, under the authority of any law of this state, until the same may be drawn for the purpose of being paid out in discharge of expenditures incurred by the construction of the canal, or expenses incidental thereto; and no language used in the sixth section of the act to which this is supplementary, approved January 9th, 1832, shall be taken or construed to authorize any loan to individuals, or any other disposition of the canal funds than is herein specified upon any condition; and said commissioners shall, in their annual report to the general assembly to be made during the second week of each annual session hereafter, specify the banks holding all such deposits, the amount thereof, the rate of interest contracted to be allowed, and the precise situation of the entire fund: *Provided, however,* that they may be permitted to keep a sufficient sum on hand to meet current expenses and contingencies.

Canal fund to
be deposited
in bank.

Loans to indi-
viduals prohi-
bited.

Commission-
ers to report
annually.

SEC. 2. *Be further enacted,* That the accounts of the commissioners of the canal fund for expenses, as reported to the general assembly in their report of the eleventh day of December, 1832, be, and the same are hereby allowed; but in future accounts for personal services and expenses, the commissioners aforesaid shall be only entitled to charge, in addition to their present *per diem* allowance as regulated by law, eight cents per mile for any distance which they may necessarily travel beyond the limits of the state, except for necessary stationary and printing.

Accounts of
commission-
ers 1832 al-
lowed, &c.

SEC. 3. The canal commissioners shall be, and they are hereby directed to let out and put under contract the remaining part of the summit section, or middle division of the Wabash and Erie canal, at such time or times previous to the first day of June next, as they may deem most conducive to the interest of the state, or so much thereof as the money on hand, and that to be contracted for under existing laws, may be sufficient to effect; and the advance payment made on contracts shall, if demanded by contractors, hereafter be four-fifths of the value of the labour actually done, as the same may be estimated by the state engineer: *Provided,* the canal commissioners may, if they think the interest of the state requires it, retain one half of the amount due contractors until the work is completed.

Remaining
part of sum-
mit section to
be put under
contract, &c.

Proviso.

SEC. 4. In places where any roads or public highways in this state shall be located on, or so near to the route of the Wabash and Erie canal as to interfere with the canal, or any of the works appertaining thereto, the said canal

Canal com-
missioners
may change
the location
of roads.

commissioners shall be, and they are hereby empowered and authorized to alter and change the location of such roads or highways to a convenient distance from the canal, or to locate the same across the canal at such point or points as they may deem preferable, keeping public convenience and economy in view.

Election and term of service of canal commissioners, &c.

SEC. 5. From and after the passage of this act, three canal commissioners shall be elected by joint ballot of the general assembly, to serve for three years unless sooner removed by joint resolution of the general assembly, in the manner following, to-wit: the person having the highest number of votes to serve three years, the person receiving the next highest number of votes to serve two years, and the person receiving the next highest number of votes to serve one year. Should two or more persons receive the same number of votes, the president of the senate and the speaker of the house of representatives shall decide by lot the terms of time they shall serve. An election to supply the places of said board of canal commissioners, as the terms of time expire for which they may have been elected, shall be holden on the second Monday in January annually; and they shall take an oath and give bond with approved security for the faithful performance of all the duties appertaining thereto, or devolving upon said office by law; said penal bond and security to be approved in the same manner, call for the same penalty, and be subject to the same liabilities as are now provided by law in relation to canal commissioners.

Record of proceedings to be kept, &c.

SEC. 6. It shall be the duty of said canal commissioners to keep a complete record of all their proceedings necessary to be perpetuated: such as the bids upon which contracts have been consummated, and names of the persons making the same, and all things in relation to the canal, and every part thereof; and shall carefully file away all bids which may have been or may hereafter be made by any person, subject to the inspection of the legislature; and it shall be their duty to include in their report the number of purchasers who may have abandoned the lands by them purchased after the first, second, third, fourth, and fifth years after their entry. When the canal commissioners believe there is a combination between bidders, prejudicial to the state, they shall suspend the sale of such contracts, and proceed to give another notice, and afterwards to sell the same according to such notice; and said commissioners shall embrace in their report a detailed statement of such proceedings and contracts in their annual report to the general assembly.

Utensils of

SEC. 7. That all necessary utensils, implements, and pro-

per materials required by actual canal contractors to perfect their contracts upon the canal, locks, gates, towing path, or other works connected therewith, and in their possession, procured for said purpose, shall be exempt from execution and be viewed as *bona fide* public property, in special charge of said contractor from the moment any advance of money may have been made on behalf of the state to such contractor, up to the completion of the contracts existing when such execution may have been issued; and all officers of law shall be bound to conduct themselves accordingly.

contractors exempt from execution.

SEC. 8. All laws and parts of laws now in force, which come within the purview of this act, be, and the same are hereby repealed.

Repeal.

This act to take effect and be in force from and after its passage; and it shall be forthwith published in the *Indiana Journal* and *Indiana Democrat*.

CHAPTER LVIII.

An Act to appropriate part of the Threee per Cent. Fund.

[APPROVED, JANUARY 31, 1833]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of five hundred dollars is hereby appropriated, out of the fund commonly called the three per cent. fund, to each of the counties in this state.

Five hundred dollars to each county.

SEC. 2. The board doing county business for each county shall at some regular session appoint a commissioner or commissioners in such county, whose duty it shall be to superintend the application of the monies hereby appropriated to his or their county, for the opening and improvement of such state roads, or parts thereof, or to the construction or repair of bridges thereon, or to the removal of obstructions in navigable streams within such county, as such board in their discretion may deem advisable, unless otherwise directed in this act.

County board may appoint commissioner to apply the same.

SEC. 3. Such commissioner shall on his appointment as aforesaid, enter into bond, payable to the state of Indiana, in the penal sum of one thousand dollars, conditioned that he shall well and faithfully discharge his duties as such commissioner of the three per cent. fund for such county, by applying the same according to the requisitions of the law, and for the performance of his duties as such commissioner generally, and shall also take an oath or affirmation that he will, to the best of his skill and ability, discharge such duties.

Bond and oath of commissioner.

Clerk shall issue certificate of appointment.

Agent's liability.

Vacancies, how filled.

Where a commissioner is appointed by this act, county board shall not appoint one.

Commissioner to report annually, &c.

Compensation to commissioner.

Residue, after specified objects, how to be applied.

Special appropriations to any county

SEC. 4. On entering into such bond to the acceptance of such board, and taking the oath as aforesaid, the clerk of said board shall, under their direction, deliver to such commissioner a certificate thereof, and of said appointment, which shall authorize the agent of the three per cent. fund to pay over, from time to time, to such commissioner or his order his proportion of such fund on hand. A failure by the agent to pay such proportion on demand to the proper commissioner or his order, shall subject the agent to the payment of ten per cent. on the sum in his hands found due to such commissioner, together with six per cent. interest thereon and costs of suit.

SEC. 5. Should any commissioner refuse to qualify, or vacate his office by death or otherwise, such board shall appoint some competent person to fill such vacancy, who shall be governed by the requisitions herein mentioned.

SEC. 6. Where a commissioner is appointed by this act for any county, the board doing county business therein shall not appoint any commissioner, unless in case of a vacancy by refusal to qualify, death or otherwise; and in any county in which, by this act, specific objects of appropriation are pointed out, the commissioner in such county shall execute his bond and govern himself accordingly.

SEC. 7. Each commissioner shall keep an account of his expenditures and improvements, take vouchers, and report the same to said board at least once in every year, and settle with said board; and on failure so to do, or to discharge the duties required of him by law, such board is required to put his bond in suit, and on the recovery of any debt or damages to appropriate the same, under the care of another commissioner to be by them appointed, to the objects aforesaid, who shall be governed in all respects as is herein before enjoined on commissioners; and on the recovery of any debt or damages there shall be added ten per cent. with six per cent. interest for the time such commissioner has retained such money in his hands, with costs of suit; which sum when recovered shall be placed in the hands of another commissioner.

SEC. 8. Each commissioner shall retain out of said funds coming to his hands one dollar for each day he shall be actually employed.

SEC. 9. In any county in which any part of the three per cent. fund is hereby appropriated to one or more specified objects, the residue of said fund shall be applied under the direction of the board doing county business therein as aforesaid.

SEC. 10. If by any act of this session of the general assembly, any money has been or may be appropriated out of the three per cent. fund to any county, or any object within

the same, the agent of the said fund is hereby required to deduct the amount of such special appropriation out of the appropriation herein made to such county, paying over the remainder, from time to time, to the commissioner of the same.

SEC. 11. Each commissioner appointed by this act shall execute bond and take an oath before the board doing county business in his county, with security in such bond to be approved of by them, before he shall officiate as such, and be governed in all respects as other commissioners in this act mentioned are, unless otherwise herein directed.

SEC. 12. *Be it further enacted*, That the sum of two hundred dollars of the three per cent. fund appropriated to the county of Franklin by this act, be, and the same is hereby appropriated on that part of the state road leading from Rushville in Rush county to Brookville in Franklin county, which lies in the last named county; and that David Mount of said county be appointed commissioner to draw for and apply the same on the road aforesaid; that the further sum of two hundred dollars of the fund aforesaid, appropriated to the county aforesaid, be appropriated on the state road from Brookville to the county line dividing the counties of Franklin and Dearborn, near New-Trenton in said county; and that Spencer Wiley be appointed commissioner to draw and apply the same on said road; and that said Wiley be also appointed commissioner to draw for and apply on said road the sum of two hundred and fifty dollars heretofore appropriated to said road, as mentioned and contained in the 48th section of "an act to appropriate part of the three per cent. fund and for other purposes," approved February 10th, 1831; and that so much of said section as appoints Allen Backhouse commissioner be, and the same is hereby repealed; that the further sum of one hundred dollars, appropriated to the county of Franklin by this act, of the fund aforesaid, be appropriated and applied to the state road from Brookville to the state line dividing Ohio and Indiana; and that Richard P. Clarkson be the commissioner to draw and apply the same on the road aforesaid.

SEC. 13. That of the sum of five hundred dollars, by this act allowed to the county of Tippecanoe, two hundred dollars shall be and is hereby appropriated to the building of a bridge across a stream near the town of Lafayette called Mill Branch, otherwise Durkee's Run, where the state road leading from the Army Ford on Big Raccoon to Lafayette crosses the same: *Provided*, that within one year after the passage of this act there shall be subscribed by individual donation a sum, together with this appropriation, sufficient to build a good and durable bridge at said point. And to carry this provision into effect, the board of commis-

to be deducted by agent and balance paid over to commissioner.

Commissioners to give bond, &c.

Appropriation in Franklin county, how applied.

D. Mount commissioner.

Spencer Wiley commissioner.

Repeal.

R. P. Clarkson commissioner.

In Tippecanoe.

Proviso.

A person to

be appointed to receive donations, &c.

Board of commissioners, their duty.

Part of the appropriations to the counties of Crawford and Harrison applied to the building a bridge over Blue river. Julius Woodford, com'r.

In Harrison.

Daniel Masselman, commissioner.

Appropriations to the counties of Dubois, Pike and Gibson, how expended.

sioners of Tippecanoe county shall, at their first session after the publication of this act, appoint some suitable person to procure an estimate of the cost of said bridge, and to receive donations or subscriptions for the building of the same.

SEC. 14. When the board of commissioners of said county shall become satisfied, that there is a sufficient sum subscribed or donated, together with the sum hereby appropriated, to defray the expense of building said bridge, they shall direct the commissioner who may be appointed, to receive and expend the portion of the three per cent. fund, appropriated by this act to the county of Tippecanoe, to apply the said sum of two hundred dollars to the purposes above specified; and the said commissioner shall also collect and receive all private donations and subscriptions, and expend the same upon said bridge, and to the improvement of the adjacent hill.

SEC. 15. That three hundred dollars out of the money appropriated to the county of Crawford, and two hundred dollars appropriated to the county of Harrison, be, and the same is hereby appropriated to the building of a bridge across Big Blue river, at or near where the state road from Corydon in Harrison county, to Orleans in Orange county, crosses the same: and that Julius Woodford, of the county of Crawford, be, and he is hereby appointed commissioner, to receive the money, and superintend the building of said bridge.

SEC. 16. That three hundred dollars, being the balance of five hundred dollars appropriated to the county of Harrison, and two hundred dollars of the three per cent. fund appropriated by the fifty-first section of "an act to appropriate part of the three per cent. fund," approved February 10th, 1831, be, and the same are hereby appropriated as follows, to wit: One hundred dollars to be applied to the improvement of the hill at the Tobacco landing in said county, on the state road established by an act of the present session of the general assembly, from said Tobacco Landing by the way of Laconia to Corydon in said county; and four hundred dollars to be applied to building a bridge across Buck Creek in said county, where said state road may cross the same; and that Daniel Masselman of the county of Harrison, be, and he is hereby appointed commissioner to receive the money and superintend the improvement of said road, and the building of said bridge.

SEC. 17. That the boards of commissioners of the counties of Dubois, Pike and Gibson, be, and they are hereby authorized to apply the portion of the three per cent. fund, to their respective counties herein allowed, to the removal of obstructions to navigation, the erection of

bridges, or to the opening and improving of such roads in their respective counties, as they may deem best calculated to promote public convenience, and best to comport with the public interest.

SEC. 18. That two hundred dollars of the sum by this act appropriated to Posey county, be, and the same is hereby appropriated, to aid in building a bridge over McFadden's Creek, where the state road leading from Fredonia to the mouth of the Wabash crosses the same; to be drawn and applied by Arza Lee. That one hundred dollars be drawn and applied by Andrew Cavett, commissioner on the state road from Princeton to Mount Vernon, on so much of said road as lies in Posey county. That one hundred dollars be drawn and applied by Clement Whiting, commissioner on the road from Cynthiana, via New Harmony, to Mount Vernon, as lies between the first named place and the lower bridge on Big Creek. That one hundred dollars be drawn and applied by the commissioner appointed by the board doing county business, on the road from Mount Vernon to Collins' ferry, in the same manner as is provided to apply one hundred and twenty-five dollars, heretofore appropriated on said road.

SEC. 19. That the sum herein appropriated to the county of Dearborn, shall be applied as follows: Fifty dollars thereof on the bridge over Laughery creek, on the road from Napoleon to Lawrenceburg, to be expended by Luman Andrews, the present commissioner on said bridge. Two hundred and twenty-five dollars, on a bridge over Arnold's creek at James' saw mill, to be expended by Caleb A. Craft. Fifty dollars on the road leading from the state road at Boardman's, to Harrison, to be expended within the county of Dearborn by Benjamin B. Bonham. One hundred dollars on the Tanners creek Hill, on the state road from Napoleon to Lawrenceburg, to be expended by Davis Woodward; also, twenty-five dollars on that part of the same road lying between Micajah Dunn's and Hogan creek, to be expended by Cyrus Mills. Twenty-five dollars on the hill near Wilmington, on the road leading from Wilmington to Lawrenceburg, to be expended by Robert Moore; and twenty-five dollars on the Tanner's creek Hill, on the road running up York ridge, to be expended by James T. Gedney; and that John P. Dunn, of Lawrenceburg, be, and he is hereby appointed a commissioner to draw on the agent of the three per cent. fund, for the whole amount due the county of Dearborn, and shall pay over the same as above directed.

SEC. 20. Be it further enacted, That the sum of two hundred and fifty dollars of the three per cent. fund by this act appropriated on state roads in the county of

In Posey.

Arza Lee, com'r.

A. Cavett, com'r.

Clement Whiting commissioner.

In Dearborn.

Luman Andrews, com'r.

Caleb A. Craft, com'r.

Benjamin B. Bonham, com'r.

Davis Woodward, com'r.

Cyrus Mills, com'r.

Robert Moore com'r.

Ja's T. Gedney, com'r.

John P. Dunn, to draw the money, and pay it over to the com'rs.

In Rush.

Rush, shall be applied to the improvement of the state road leading from Rushville to Indianapolis; and one hundred and twenty-five dollars shall be applied to the improvement of the state road leading from Connersville to Raysville; and one hundred and twenty-five dollars shall be applied to the improvement of the state road leading from Andersonville to Shelbyville; all of which sums shall be expended on the above named roads within said county.

Commissioners appointed to expend the money in Rush county.

SEC. 21. That John McMillan of Union township, be, and he is hereby appointed commissioner on that part of the state road leading from Connersville to Raysville, which lies in Rush county, and John Wood is hereby appointed commissioner on that part of the state road leading from Rushville to Indianapolis, which lies in the said county of Rush; and that Nathan Julian is hereby appointed commissioner on that part of the state road leading from Andersonville to Shelbyville, which lies in the county aforesaid. Each of the above named commissioners shall give bond and security, and be governed in all respects as other road commissioners, appointed by or under the provisions of this act are governed, except as is hereinafter provided. It shall be the duty of the first named commissioner in this section, to draw from the agent of the three per cent. fund, the full amount appropriated by this act to state roads, in the county of Rush, and pay over to the other two commissioners in said county the amount appropriated to the roads of which they are appointed commissioners. That the sum of twenty-five dollars applied to the state road from Connersville to Raysville, and twenty-five dollars applied to the state road from Andersonville to Shelbyville, be applied to the state road from Rushville to Greenfield, and John Walker, of Ripley township, be appointed commissioner on said road.

How the money shall be paid out.

In Ripley.

Luman Andrews, com'r.

William Marklin, com'r.

SEC. 22. The five hundred dollars appropriated to the county of Ripley by this act, shall be applied as follows, to wit: Fifty dollars towards repairing or completing the bridge over Laughery creek, in Ripley county, under the direction of Luman Andrews. If of the one hundred and fifty dollars appropriated out of the three per cent. funds of Decatur, Ripley and Dearborn counties, towards repairing or completing the bridge over Laughery creek in Ripley county, there be any residue after completing the same, such residue shall be made use of to improve the hill adjacent to said bridge; to be appropriated under the direction of the same person who has the charge of said bridge; one hundred dollars on the road between Napoleon and Versailles in Ripley county, to be expended under the direction of William Marklin; one hundred dollars on the Brookville state road in Ripley county, to be expended un-

der the direction of Luman Andrews: Twenty-five dollars on the road between Versailles and the Rising Sun, to be expended in Ripley county, under the direction of Eber Watson; twenty-five dollars on the state road leading from Lawrenceburg to Madison within Ripley county, to be expended under the direction of Lewis Myers. Fifty dollars for the improvement of Laughery creek in said county, to be expended under the direction of Michael Falls. Fifty dollars on the state road from Versailles to Vevay, to be expended by Henry Roberts, within the county of Ripley. Fifty dollars to the opening and repair of the county road from Versailles by the way of Zalman Hawley's to the state road leading from Napoleon to Lawrenceburg; the same to be expended within Ripley county, under the direction of John Brown. Twenty-five dollars on the state road leading from Versailles to Vernon, within said county, under the direction of Abraham Yeater. Twenty-five dollars to defray incidental expenses of commissioner's wages, &c. and that John Hunter of Versailles, Ripley county, is hereby appointed a general commissioner, to draw said money and disburse it to the other commissioners.

Luman Andrews, com'r.

Eber Watson, com'r.

Lewis Myers, com'r.

Michael Falls, com'r.

Henry Roberts, com'r.

John Brown, com'r.

Abra'm Yeater, com'r.

John Hunter, com'r to draw and pay out the money.

SEC. 23. That three hundred dollars of the portion appropriated to Knox county, is hereby set apart to construct bridges, erect causeways and otherwise improve the state road leading from Vincennes to Washington, Daviess county; and the board doing county business, shall, immediately after its reception, pay the said amount over to Matthias Rose of said county, who is hereby appointed a special commissioner, to superintend the aforesaid improvements, and expend the said sum of three hundred dollars thereon, as he deems most conducive to the public good.

In Knox.

Matthias Rose, com'r.

SEC. 24. That out of the five hundred dollars by this act appropriated to the county of Decatur, there shall be fifty dollars applied to the completion of a bridge over Laughery creek, at or near where the Indianapolis and Lawrenceburg state road crosses said creek in Ripley county, and that the agent or commissioner legally appointed for the purpose of superintending said bridge, draw upon the agent of the three per cent. fund, to pay over out of the above five hundred dollars the sum of fifty dollars, to be applied as aforesaid.

In Decatur.

SEC. 25. The five hundred dollars allowed for the county of Switzerland by this act, shall be appropriated as follows, to wit: Two hundred and fifty dollars to Edward Patton or his successor in office, to be applied towards building a bridge across Indian creek in said county in pursuance of the 31st section of "an act to appropriate part of the three per cent. fund, and for other purposes," approved

In Switzerland.

February 10th, 1831; with full power to draw the money in the same manner as therein expressed: And two hundred and fifty dollars to Newton H. Tapp, or his successor in office, to be applied to the building of a bridge over Plumb creek in said county heretofore directed to be built by an act approved, January 25, 1830, and the act supplemental thereto, approved, December 20, 1831; but said commissioner or his successor shall draw the said money immediately on giving the security required by that act.

New counties hereafter formed shall be entitled to \$500 00 each.

SEC. 26. That all counties hereafter laid off and organized prior to the next general appropriation of the three per cent. fund, shall be entitled, on their organization, to the sum of five hundred dollars each, as provided for other counties in this act.

In Monroe.

SEC. 27. That of the five hundred dollars, hereby allowed to the county of Monroe, the sum of one hundred dollars is hereby appropriated, (in addition to a former appropriation for that purpose,) to George H. Johnson and his successors in office, as a commissioner, to be applied towards constructing a bridge across Clear creek, in said county, where the state road leading from Bloomington in said county, to Bedford in Lawrence county, crosses the same, and the residue of said sum of five hundred dollars, shall be, by the board doing county business for Monroe county, applied under such commissioner or commissioners, and to the opening and improvement of such state roads, and the construction or repair of such bridges on state roads in said county, as will best promote the public interest and convenience: *Provided*, that a portion thereof, shall be applied to the improvement of the last named road under the superintendence of Michael Buskirk, as a commissioner (on his qualifying himself as such) both north and south of Bloomington; and should any portion thereof be applied towards opening that portion of the state road established at the present session, which leads from Bloomington to Columbus in Bartholomew county, it shall be applied under the superintendence of Aquilla Rodgers, on his qualifying himself as such commissioner, as required by this act. Michael Buskirk is hereby appointed a commissioner to receive the said sum of five hundred dollars from the agent of the three per cent. fund, on his giving bond and otherwise qualifying himself pursuant to the provisions of this act. And whereas it is represented that a part of the state road leading from Bloomington in said county, to William Logan's in Washington county in the direction of Salem, of one and a half miles in length, has been opened through the woods, where it passes through the seminary township, by sundry citizens of Monroe county at an expense of more than their proportionable labour: therefore,

Proviso.

Michael Buskirk, com'r.

Aquilla Rodgers, appointed com'r conditionally.

the board doing county business for said county, may in their discretion, make to each of such citizens, such compensation out of the fund hereby appropriated to said county for such his additional labour (if any,) as may be reasonable.

Board of commissioners may make an allowance to certain citizens, &c.

SEC. 28. *And be it further enacted*, That the following sums be appropriated on so much of the state road leading from Indianapolis to Crawfordsville, as lies between Wright's tavern in Marion county and the crossing of Sugar creek, near Andrew Brockman's in Montgomery county, viz: out of the three per cent. fund for Hendricks [county], one hundred dollars, and out of the counties of Marion, Montgomery and Boon, fifty dollars each, to be expended under the direction of Archibald Alexander, who is authorized to draw and expend the same, on qualifying himself according to the provisions of this act.

A part of the appropriations to the counties of Hendricks, Marion, Montgomery and Boon, applied to the Crawfordsville road, under A. Alexander as com'r.

SEC. 29. That the amount hereby appropriated by this act to the counties of Perry and Spencer, be expended in opening and repairing such roads, and the erection of such bridges or the improvement of such navigable streams, as the board doing county business in said county, may order and direct.

In Perry and Spencer.

SEC. 30. That of the five hundred dollars allotted to the county of Orange from said fund, two hundred and fifty dollars thereof shall be applied in said county on the main state road leading from Albany to Vincennes; and that John G. Clendenin be appointed to superintend the application of the same; and that two hundred and fifty dollars thereof be applied, so far as the same will go towards building of a bridge across Lost river in said county, on the state road from the town of Levenworth to Indianapolis, and that Edward Willis be appointed commissioner thereof to receive the money and superintend the building of the said bridge.

In Orange.

J. G. Clendenin, com'r.

Edw'd Willis com'r.

SEC. 31. That the sum of five hundred dollars of the three per cent fund appropriated to the county of Washington, be and is hereby applied as follows: One hundred and seventy-five dollars for the improvement of so much of the Mauk's ferry state road, as lies between Salem, in said county, and the top of the Muscatatack hill. That the further sum of one hundred and seventy dollars, be, and the same is hereby applied for the improvement of so much of the Jeffersonville state road as lies between the town of Salem and the southern line of said county of Washington. That the sum of seventy-five dollars be applied to the improvement of the New-Albany and Vincennes state road; that part of said road which lies in the county of Washington; and that the sum of eighty dollars be applied to the improvement of the White river hill, on the state road lead-

In Washington.

County board to appoint com'rs. ing from Bloomington, via Leesville and Spark's ferry, to the Mauk's ferry state road at or near William Logan's in the said county of Washington. And the board of commissioners of said county, be, and they are hereby authorized to appoint a commissioner to draw, and a commissioner or commissioners to expend the aforesaid sum of five hundred dollars, as directed in this act.

County board may appoint com'rs, one of whom shall be authorized to receive funds from agent. SEC. 32. The board doing county business in each county, may appoint one or more commissioners to superintend the application of the fund herein appropriated to such county, one of whom only shall be appointed, authorized and required to receive such funds from the agent of the three per cent. fund: but the board doing county business of such county, shall have power to direct such commissioner to pay over such part of such fund, as they may deem proper, to any other commissioner they may appoint:

Proviso. Provided, that the commissioner or commissioners hereby appointed for any county, for a specified purpose, shall act as such, on their qualifying themselves as such, as required by this act.

In Hamilton. SEC. 33. That the sum of one hundred dollars out of the sum of five hundred dollars hereby appropriated to the county of Hamilton, be, and the same is hereby appropriated to be laid out and expended on that part of the Winchester state road as lies between William Conner's in Hamilton county and Andersonstown in Madison county; and Hiram G. Finch of said county is hereby appointed a commissioner to expend said appropriation in improving so much of said road. And the sum of one hundred and fifty dollars is hereby further appropriated out of such fund to be laid out in improving so much of the state road leading from Morristown in Shelby county by the way of Greenfield in Hancock county and Noblesville in Hamilton county to intersect the Lafayette and New-Castle road at or near Kirk's Prairie in Clinton county, as lies in Hamilton county; and John D. Stephenson of said county is hereby appointed commissioner to lay out and expend said sum, and the certificate of the clerk of the court of Hamilton county that the above named commissioners, or either of them, have given bond and been duly qualified as the law directs, shall authorize the agent of the three per cent. fund to pay over the respective amount to each commissioner on producing his certificate.

J. D. Stephenson, commissioner. Agent to pay respective amounts to each commissioner.

In Henry. SEC. 34. That the sum of one hundred dollars of the three per cent. fund appropriated to the county of Henry, be applied to the locating and improving of a state road to be located from Louisville in the county of Henry to Greensborough in the same county, thence north-westwardly until it intersects the state road from New-Castle to Lafayette at

County board

or near Middletown; and that the board of commissioners doing county business in the county of Henry shall appoint a commissioner to locate the road as aforesaid, and expend the sum appropriated as they may direct.

SEC. 35. That William M. Rayburn of the county of Miami be, and he is hereby appointed commissioner to receive from the agent of the three per cent. fund four hundred dollars accruing to the county of Miami under the provisions of "an act appropriating part of the three per cent. fund and for other purposes," approved February 10, 1831; and the said commissioner shall expend the same as follows, to-wit: two hundred dollars upon the state road from Lafayette to Fort Wayne, and two hundred dollars upon the state road from Miamisport to intersect the Michigan road where it crosses the Tippecanoe river, to be expended on so much of said roads as lies within the county of Miami.

SEC. 36. The said William M. Rayburn is also hereby appointed a commissioner to receive from the agent of the three per cent. fund two hundred dollars out of the sum allowed by this act to the county of Miami, to be expended upon so much of the state road from Richmond to Logansport by the way of Miamisport, as lies within the said county of Miami.

SEC. 37. The said commissioner is hereby directed to cause the said roads to be opened of a width not exceeding thirty feet, and to be removed such logs, trees, and undergrowth as in his judgment may be necessary; also, to make such other improvement upon said roads, by ditching, grading, causewaying, and bridging such places as he may conceive most to the public advantage.

SEC. 38. The said commissioner shall take an oath faithfully to discharge the duties hereby enjoined upon him, and file a bond with two freehold securities to be approved by the agent of the three per cent. fund, who shall then pay over the sum of six hundred dollars (the amount of the several sums as above appropriated) to the said commissioner, who shall keep an account of all expenditures and file a statement thereof, together with his vouchers, with the agent of the three per cent. fund, on or before the first Monday of December next. The said commissioner shall be allowed one dollar for each day in which he may be necessarily employed in the discharge of the duties herein enjoined upon him.

SEC. 39. Be it further enacted, That three hundred dollars out of the five hundred dollars appropriated to the county of Putnam, be, and the same is hereby appropriated to build a bridge across the Big Walnut Fork of Eel River on the state road leading from Greencastle to Rockville; and that William Edmonson be appointed a commissioner

to appoint commissioner.

Miami county.

Wm. M. Rayburn, commissioner to receive \$400 00 due to said county under the act of 1831, and to expend the same.

Wm. M. Rayburn appointed commissioner to receive \$200 00 of present appropriation to the county of Miami, &c.

Duties of said commissioner.

Commissioner's oath and bond.

Commissioner's compensation.

In Putnam.

Wm. Edmonson.

son commis-
sioner.

to superintend the construction of said bridge; and that the further sum of one hundred dollars out of the said five hundred dollars, together with the sum of two hundred dollars out of the three per cent. fund appropriated to said county by an act entitled "an act to appropriate part of the three per cent. fund and for other purposes," approved February 10, 1831, be, and the same is hereby appropriated to build a bridge across said Big Walnut Fork on the state road leading from Greencastle to Crawfordsville; and that William E. Talbott be appointed a commissioner to superintend the construction of said bridge: *Provided*, that the citizens of said county shall subscribe and pay to said commissioners respectively an amount in addition to the sums herein appropriated, sufficient to enable said commissioners to complete said bridges. *Provided, also*, that said commissioners shall, before entering upon the discharge of their duties, each file a bond with the board doing county business for the faithful performance of their respective trusts, and shall from time to time, if said board require it, make report of their proceedings and shall be allowed such compensation for their services as said board may deem just and reasonable. And the further sum of forty dollars of the said sum of five hundred dollars herein appropriated to said county as aforesaid be applied to so much of the state road from Greencastle to Carlisle as lies between Greencastle and the intersection of said road with the national road at Manhattan in Putnam county; and George M'Intosh of said county is hereby appointed commissioner to expend the same on said road as he may deem most expedient.

W. E. Talbot
commissioner.

Proviso.

Proviso.

Bond.

Report.
Compensa-
tion.

G. M'Intosh
commissioner.

In Jennings,
Wm. Clark
commissioner.

Wm. Walker
commissioner,
his duty.

In Lawrence.

SEC. 40. That William Clark be appointed commissioner to receive and expend two hundred and fifty dollars of the appropriation made to Jennings county, in the improvement of that part of the Madison and Indianapolis state road between Vernon and Sand Creek; that William Walker, jr. be appointed commissioner to receive and expend two hundred dollars of said appropriation, on said road, in said county, between the Jefferson county line and Graham Creek. The balance of said appropriation, being fifty dollars, to be expended in part or whole on the state road between Standfield's mill in Jackson county and Paris in Jennings county, under the direction of the commissioners of Jennings county. The fifty dollars aforesaid to be drawn by said Walker when drawing his money and when drawn to pay over to such person or persons, as directed by order of the board of county commissioners of Jennings county.

SEC. 41. *Be it enacted*, That the sum of five hundred dollars, appropriated to the county of Lawrence by virtue of this act, be, and the same is hereby applied in the manner following, to-wit: the sum of four hundred dollars to be ap-

plied to the completion of the bridge across Salt Creek in said county where the state road from Bedford to Indianapolis crosses the same, under the superintendence of William Kelsey, who is hereby appointed commissioner to lay out the same. Also, that the sum of fifty dollars be, and the same is hereby applied to the construction of a bridge across Indian Creek in said county, where the state road from Wood's ferry to Bloomfield crosses the same; and John Short is hereby appointed commissioner to lay out and superintend the same; and, also, that the sum of fifty dollars be, and the same is hereby applied to aid in cutting and opening the state road from Bedford to Beck's mill in Washington county; and Hugh Hamer is hereby appointed commissioner to lay out and superintend the same.

SEC. 42. *Be it further enacted*, That three hundred and fifty dollars of the said sum of five hundred dollars appropriated to the county of Greene by the first section of this act, be, and the same is hereby applied, in the following manner, to-wit: that the sum of one hundred and fifty dollars thereof be, and the same is hereby applied to aid in building a bridge across Eel River, where the state road from Spencer to Fairplay crosses the same: *Provided*, the citizens of said county will subscribe and contribute in labour or otherwise an amount which, together with the sum hereby appropriated, will be sufficient to build the same; and Caleb Jessup is hereby appointed commissioner for the said bridge; that the further sum of thirty-seven dollars and fifty cents be, and the same is hereby applied to aid in the completion of the bridge across Buck Creek in said county, where the Vincennes state road crosses the same; that the further sum of thirty-seven dollars and fifty cents be and the same is hereby applied to aid in building a bridge across Black Creek, where the Vincennes state road crosses the same; and John Stafford is hereby appointed commissioner for said bridges; and that the further sum of seventy-five dollars be, and the same is hereby applied to building a bridge across Slinkard's Creek, where the state road from Bloomfield to Washington crosses the same; and Andrew Slinkard is hereby appointed commissioner of said bridge; and that the further sum of twenty-five dollars be, and the same is hereby applied to building a bridge across the bayou between Bloomfield and Lister's ferry, where the state road from Bloomfield to Merom crosses the same: *Provided*, the citizens of said county will subscribe and contribute, in labour or otherwise, a sufficient amount to build the same; and Cornelius Vanslyke is hereby appointed commissioner for said bridge; and that the further sum of fifty dollars be, and the same is hereby applied to aid in building a bridge on Clifty Creek, at or near where the present state road

Wm. Kelsey
commissioner.

John Short
commission-
er.

Hugh Hamer
commissioner
In Greene.

Proviso.

Caleb Jessup
commission-
er.

John Stafford
commission-
er.

A. Slinkard
commission-
er.

Proviso.

C. Vanslyke
commission-
er.

W. M. Norris
commissioner.

Caleb Jessup
commissioner
to draw the
money from
the agent.

How to be
disposed of.

In Shelby.

L. Francis
commissioner.

In Montgom-
ery.

John Dren-
ner commis-
sioner.
Proviso.

Board doing
county busi-
ness in the
county of
Hancock to
make allow-
ance to Brice
Dille and o-
thers.

from Wood's ferry in Lawrence county to Bloomfield cross-
es, as lies in Greene county; and William M. Norris is
hereby appointed commissioner to expend the same; and
the said Caleb Jessup is hereby appointed commissioner to
draw the said sum of five hundred dollars, herein appro-
priated to the county of Greene aforesaid, from the agent of
the three per cent. fund, whose duty it is hereby made to
pay over to the county commissioners of said county the
sum of three hundred and fifty dollars, whose duty it is
hereby made to pay the same to the several road com-
missioners herein named, as provided in this section of this
act, upon their entering into bond with approved security,
to the satisfaction of said board, in double the amount of the
sum received by each, conditioned for the faithful per-
formance of the duties herein enjoined upon the said road
commissioners.

SEC. 43. That the sum of one hundred and fifty dollars,
parcel of the five hundred dollars appropriated by this act
to Shelby county, be, and the same is hereby appropriated
on that part of the Brookville and Indianapolis state road
lying in Shelby county; and Lathrop Francis is hereby ap-
pointed a commissioner to draw and expend the same.

SEC. 44. *Be it further enacted*, That the sum of one hun-
dred dollars, out of the said sum of five hundred dollars ap-
propriated by the first section of this act to the county of
Montgomery, be, and the same is hereby appropriated to
the improvement of so much of the state road leading from
Greencastle in the county of Putnam in the direction of
Crawfordsville in the county of Montgomery, as lies in the
said county of Montgomery, commencing at the county
line of Putnam, running from thence through the Black
Swamp to Crawfordsville in the said county of Mont-
gomery; and that John Drenner is appointed commis-
sioner to expend the same: *Provided, however*, that if the
said county of Putnam does not locate the bridge designated
by the 39th section of this act, at the crossing of Walnut
Creek in said county, on the state road from Greencastle
to Crawfordsville, this section to be null and void.

SEC. 45. That the board doing county business in Han-
cock county be, and they are hereby authorized to allow and
pay, if the same be not already allowed out of the county
treasury, Brice Dille, Adam Winsel, and Elias Hoddy,
commissioners heretofore appointed to locate a state road
from Knightstown in Henry county to Strawtown in Ha-
milton county, a due proportion of the expense of loca-
ting said road according to the distance such roads may
pass through said county of Hancock, to be paid out of any
money appropriated to said county by the provisions of this
act.

CHAPTER LIX.

An Act concerning Legal Process.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That when by any act of the present session of the general assembly the time for holding the next term of the circuit court in any county may have been or may be changed, all writs, venires, subpoenas, or other process which may have issued from any circuit court since the last sitting thereof, or which may hereafter issue previous to this act being received in such county, shall be deemed and taken, and are hereby made returnable to the first day of the first term of the several circuit courts as changed by any such act or acts, as above mentioned, although such process may be expressed to be returnable to the next term of such court as heretofore established.

Return day
where the
time of hold-
ing circuit
court is by
this act
changed.

SEC. 2. All suits, pleas, complaints, prosecutions, recogni-
zances, actions, motions, or other proceedings, either civil or
criminal, which are now pending or may hereafter be pend-
ing prior to the time this act shall be received in the sever-
al counties, shall be taken up and acted upon at the first
term of such court, to be holden under the act mentioned in
the first section of this act, and be disposed of according to
law, in the same manner as if no alteration had been made
in the time of holding such court.

Suits, &c. dis-
posed of as if
no alteration
had been
made.

This act to be in force from and after its publication in
the Indiana Journal and Democrat.

CHAPTER LX.

An Act to amend the act entitled "an act subjecting real and personal
estate to execution," approved February 4th, 1832.

[APPROVED, FEBRUARY 2, 1833.]

*Be it enacted by the General Assembly of the State of Indi-
ana*, That whenever hereafter any property, real or per-
sonal, shall be sold by virtue of any execution, and the
purchaser thereof shall neglect or refuse to pay the pur-
chase money, such purchaser shall be liable, on motion by
the officer making such sale, in any court having competent
jurisdiction, three days notice of said motion having been
given, to a judgment for the amount of such purchase mo-
ney, and ten per centum thereon, together with the costs of
said motion; and no stay of execution shall be allowed on

Purchasers of
property un-
der execution
refusing to
pay the pur-
chase money
liable to a
judgment, &c.

Proviso.

any such judgment: *Provided, however,* that nothing herein contained, shall prevent the officer making such sale from re-exposing the same property to sale, on the same or a subsequent day; and if the amount of such second sale shall not be equal to the amount of said first sale and the costs of said second sale, said first purchaser shall be required to pay the deficiency, and be liable to a motion and judgment therefor in the manner as aforesaid.

CHAPTER LXI.

An Act to amend an act entitled "an act relative to foreign attachments," approved January 20th, 1831.

[APPROVED, FEBRUARY 4, 1833.]

Jurisdiction of justices of the peace.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That justices of the peace shall have concurrent jurisdiction with the circuit courts in all cases of foreign attachment, where no real property shall be attached, and where the plaintiff's demand shall not exceed the sum of one hundred dollars.

Powers, &c. of justices of the peace, &c.

SEC. 2. That in all such cases instituted before justices of the peace, under the provisions of this act, the powers, authority, incidents, and duties appertaining and belonging to clerks and circuit courts, by the provisions of the act to which this is an amendment, shall appertain and belong to such justices of the peace; and the powers, authority, incidents, and duties appertaining to sheriffs and coroners, by the provisions of the above cited act, shall appertain to the constable, whose duty it may be to serve civil process in other cases issued by such justices of the peace, subject to the provisions of this act.

Proceedings before justices same as in circuit courts.

SEC. 3. All cases of foreign attachment before justices of the peace shall be governed by and subject to the provisions prescribed for such cases in circuit courts in the above cited act so far as the same are applicable, and are not repugnant to the provisions of this act.

Continuance, after publication.

SEC. 4. After publication made and proved as required in the fourth section of the above cited act, each cause of foreign attachment shall, before the justice shall proceed to final adjudication, be continued for not less than six months nor more than seven months.

On appearance, &c. of defendant, justice shall notify plaintiff, &c. and

SEC. 5. On the appearance and application of the defendant or defendants, at any time before the final judgment, the justice shall cause the plaintiff or plaintiffs, claimant or claimants, his or their agent or attorney, if to be found within the county, to have at least three days notice

of the day of trial, on which day, unless good cause of continuance be shown, as provided in other cases before justices of the peace, such justice shall proceed to try said cause and to render judgment as in other civil cases before him.

SEC. 6. If such defendant or defendants, or any other person shall, at any time before final judgment enter into bond with good security to be approved of by the justice, payable to the state of Indiana, in double the amount of the claims filed, conditioned for delivering in execution the property attached in as good plight as when attached, should judgment be rendered against him or them, then such property shall be re-delivered to the defendant or defendants, or other person as the case may be: *Provided,* that if sufficient security is offered in such bond, it shall not be necessary for the defendant or defendants to execute it also: *And provided, also,* that after such property may have been delivered to such other person as aforesaid, on such defendant or defendants, his, her, or their agent entering into such bond as aforesaid, which shall be subject to the aforesaid provisions, and conditioned as aforesaid, then the officer attaching such property shall re-deliver said property to such defendant, or defendants, his, her, or their agent, and in the last mentioned case, the bond before entered into, on the part of such other person, shall be void.

SEC. 7. An appeal shall lie, from any judgment rendered by a justice under this act, in the time and manner provided in other cases. The appeal bond shall be payable to the state of Indiana.

SEC. 8. Whenever any claim filed shall exceed the sum of one hundred dollars, or whenever the plaintiff may wish to attach real property of the defendant or defendants, the justice shall file a transcript of his proceedings with the clerk of the circuit court of his county, and the same proceedings shall be thereupon had as if the cause had been originally commenced in such court, and further proceedings thereon before said justice shall be stayed, and any property which may have been attached by any constable in the cause shall be delivered on the writ of attachment issued by the clerk of the circuit court.

SEC. 9. Suit may be brought on any bond mentioned in the sixth and seventh sections of this act, in the name of the state of Indiana, for the use of any person or persons entitled to any demand or claim filed or sued for, in the cause in which such bond was filed: *Provided,* that a separate suit may be instituted on such bond for every separate claim or demand filed as aforesaid, for the use of the person or persons entitled to the same.

proceed to try said cause as in other cases.

Property to be delivered to defendant on his executing bond to re-deliver if judgment should go against him.

Proviso.

Proviso.

Appeal.

Where the claim exceeds 100 dollars, or real property is to be attached justices shall file transcript with the clerk of circuit court, &c.

Suit on bond, by whom brought.

Proviso.

LAWS OF INDIANA.

CHAPTER LXII.

An Act for the relief of Zachariah Ferguson, Stanhope Royster, and John Perin.

[APPROVED, FEBRUARY 2, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the agent of the three per cent. fund be, and he is hereby authorized and required to pay to the order of Zachariah Ferguson, Stanhope Royster, and John Perin the sum of seventeen dollars eighty-one cents, which sum the said agent shall reserve out of any monies which may hereafter be appropriated to the counties of Union, Fayette, Rush, Shelby, Hancock, and Marion, in equal proportions.

This act to be in force from and after its passage.

CHAPTER LXIII.

An Act to amend an act entitled "an act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the State," approved January 21st, 1828.

[APPROVED, FEBRUARY 2, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the benefits intended to be conferred by the above recited act, to the purchasers of lots in the town of Indianapolis, shall extend to lots sold in said town since the twenty-first day of January, eighteen hundred and twenty-eight, as well as to lots sold previous to that date.

This act to be in force from and after its publication.

CHAPTER LXV.

An Act to vacate the Town called Dunkintown, in Sullivan county.

[APPROVED, FEBRUARY 2, 1833.]

Preamble.

WHEREAS, It has been represented to this general assembly by petition, that the town called Dunkintown, in Shaker Prairie, in Sullivan county, is now, and has been for several years, entirely abandoned by its former inhabitants, and that the same is now principally occupied as a farm; therefore,

Be it enacted by the General Assembly of the State of Indi-

LAWS OF INDIANA.

ana, That the town called Dunkintown, in the county of Sullivan, be, and the same is hereby vacated, and the plat of said town is hereby made null and void: *Provided,* that nothing in this act shall be [so] construed as to affect any right, privilege or title, that any person may have to any land or lots, within the recorded plat of said town.

CHAPTER LXV.

An Act for the relief of Thomas Pogue, and others.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the agent of state for the town of Indianapolis, the auditor and treasurer are hereby authorized to make such allowance to Thomas Pogue, as is just, after a full examination of his claim, for clearing twelve acres of land on the Donation, which was taken possession of by the agent, and rented for the use of the state, after he had the occupancy of one half of said land only one year, and the other half two years; and that previously to the examination of such claim, the said Pogue shall produce disinterested affidavits to the agent, auditor and treasurer of state, showing the extent of the relief to which he may be entitled, after deducting the value of the use of said land while he occupied the same.

SEC. 2. And it shall also be the further duty of said agent, auditor and treasurer, to examine into, and make such allowance to Eliakim, Israel, Robert and Samuel Hardin, for any useful improvements they may have made upon the town plat or donation, for which they did not receive an adequate compensation by the occupancy thereof, before it was taken from them by the state. Upon such agent, auditor and treasurer being satisfied as above provided, by disinterested affidavits, of the extent and justice of such claim, which, if allowed, or any part thereof, to any of the above persons, shall be paid out of the proceeds that may hereafter be received by the state for rents of the donation lands.

Allowance to be made by agent of state, &c. to Pogue.

To Hardins.

Allowances to be paid out of rents to be received by the state.

CHAPTER LXVI.

An Act for the relief of James McFarland.

[APPROVED, FEBRUARY, 4, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the agent of the three per cent. fund, be, and he is

LAWS OF INDIANA.

hereby authorized and required to pay to James McFarland, late a commissioner on the Indianapolis and Lafayette state road, the sum of fifty dollars, by him over paid as commissioner as aforesaid; which sum of fifty dollars, hereby appropriated, the said agent shall retain out of any moneys of the three per cent. fund, that may hereafter be appropriated to Marion county in proportion [to] the length of said road through each of them respectively.

This act to take effect and be in force from and after its passage.

CHAPTER LXVII.

An Act changing the time for holding the Circuit Courts in the first, second, fourth, fifth and sixth Judicial Circuits.

[APPROVED, FEBRUARY 1, 1833.]

Times of
holding court
in 1st circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts in the first judicial circuit, shall be held on the days and times following, to wit: In the county of Parke on the third Mondays in February and August; in the county of Vermillion, on the first Mondays in March and September; in the county of Fountain, on the second Mondays in March and September; in the county of Montgomery, on the third Mondays in March and September; in the county of Clinton, on the fourth Mondays in March and September; in the county of Tippecanoe, on the Mondays next succeeding the courts in Clinton; and in the county of Warren on the Mondays next succeeding the courts in Tippecanoe: *Provided*, that the next terms of the circuit court in said several counties, shall be held on the days and times following, to wit: in the county of Vermillion, on the fourth Monday in February; in the county of Fountain, on the second Monday in March; in the county of Montgomery, on the third Monday of March; in the county of Clinton, on the fourth Monday of March; in the county of Tippecanoe, on the first Monday of April; in the county of Warren, on the second Monday of April; and in the county of Parke, on the first Monday of May; and after that, the provisions in the first part of this section shall prevail. The circuit courts shall sit six days in each of said counties at each term, if the business require it, except in the counties of Vermillion and Parke, where they shall sit at the next terms thereof, twelve days, if the business require it, and after that in the county of Vermillion, only six days: *Provided*, that the circuit court in Parke, shall sit every future term twelve days if the business require it.

Proviso.

Proviso.

SEC. 2. The courts in the second judicial circuit, shall be held on the days following: In the county of Scott, on the last Mondays of February and August; in the county of Jackson, on the second Mondays in March and September; in the county of Lawrence, on the third Mondays in March and September; in the county of Orange on the fourth Mondays in March and September; in the county of Washington, on the first Mondays of April and October; in the county of Harrison, on the second Mondays of April and October; in the county of Floyd, on the third Mondays of April and October; in the county of Clark, on the fourth Mondays of April and October, and shall sit, within the above dates, as long as business shall require. In 2nd circuit.

SEC. 3. That the circuit courts of the fourth judicial circuit of this state shall be holden therein on the days following, to wit: In the county of Dubois, on the third Mondays of February and August; in the county of Pike, on the fourth Mondays of February and August; in the county of Gibson, on the first Mondays of March and September; in the county of Posey, on the second Mondays of March and September; in the county of Vanderburg, on the fourth Mondays of March and September; in the county of Warrick, on the first Mondays of April and October; in the county of Spencer, on the second Mondays of April and October; in the county of Perry, on the third Mondays of April and October; and in the county of Crawford, on the fourth Mondays of April and October; said courts at each term thereof, shall sit six days in each of said counties, if the business require it, except in the county of Posey, where it shall sit twelve days if the business require it: *Provided*, that the change contemplated in this section shall not take place, or in anywise affect the courts in the counties of Dubois, Pike, Gibson, Posey, Vanderburgh, and Warrick, in the fourth judicial circuit, at the first term of said court, after which the provisions of this section shall be in full force. In 4th circuit.

SEC. 4. And the circuit courts in the fifth judicial circuit, shall commence their sessions the days following: In the county of Hancock, on the last Mondays in February and August; in the county of Shelby, on the first Mondays in March and September; in the county of Bartholomew, on the second Mondays in March and September; in the county of Johnson, on the third Mondays in March and September; in the county of Marion, on the fourth Mondays in March and September; and may sit twelve judicial days if the business require it; in the county of Morgan, on the Mondays in April and October, succeeding the courts in Marion; in the county of Hendricks, on the Mondays in April and October succeeding the courts in the county of Mor-

In 5th circuit.

gan, and in the county of Boon, on the Mondays in April and October succeeding the courts in Hendricks; and in the county of Hamilton, on the Mondays succeeding the courts in Boon, whether they fall in April or May in the spring, or October and November in the fall; and in the county of Madison, on the Mondays succeeding the courts in Hamilton, in May and November, and may sit twelve juridical days in the said county of Madison, if the business should require it; and in all the other counties not specially provided for, the court may sit six juridical days, if the business should require it.

In 6th circuit.

SEC. 5. That the circuit courts in the sixth judicial circuit, shall be held on the days and times following, to wit: In the county of Randolph, on the second Mondays of February and August; in the county of Wayne on the third Mondays of February and August; in the county of Union, on the second Mondays succeeding the courts in Wayne; in the county of Fayette, on the second Mondays succeeding the courts in Union; in the county of Rush, on the second Mondays succeeding the courts in Fayette; in the county of Henry, on the second Mondays succeeding the courts in Rush; in the county of Delaware, on the Mondays succeeding the courts in Henry; and in the county of Grant, on the Mondays succeeding the courts in Delaware. The circuit courts to be holden as above, in the sixth judicial circuit, shall sit in the counties of Randolph, Henry, Delaware, and Grant, six days each, if the business requires it; and in the counties of Wayne, Union, Fayette and Rush, twelve days each, if the business requires it.

In the county of Clay in 7th circuit.

SEC. 6. *And be it further enacted*, That the time for holding the circuit court in the county of Clay, in the seventh judicial circuit of Indiana, be, and the same is hereby extended to six days, at each term thereof, if the business therein shall require, any law to the contrary notwithstanding.

Court in Lagrange to be held at M. Rice's.

SEC. 7. The circuit court of the county of Lagrange, shall hold its sessions at the house of Moses Rice of said county, until the board doing county business shall provide some other place to hold such court, within the county.

Repeal.

SEC. 8. That so much of "an act dividing the state into judicial circuits, and fixing the times of holding the circuit courts therein, and for other purposes," approved, February 10, 1831, and so much of an act entitled, "an act to amend the act dividing the state into judicial circuits, and fixing the times of holding courts therein," approved, February 3, 1832, as comes within the purview of this act, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage and publication in the Indiana Journal and Democrat.

CHAPTER LXVIII.

An Act to establish certain state roads therein named.

[APPROVED, JANUARY 24, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Glenn and Benjamin Robison of Crawford county, be, and they are hereby appointed commissioners, to view, mark and locate a state road from Levenworth in the county of Crawford, to the county line of Dubois county, in a strait direction to Jasper, in Dubois county. From Levenworth to the Dubois county line.

SEC. 2. The said commissioners shall meet at the town of Levenworth, on the first Monday of March, 1833, or on some subsequent day, and after taking an oath, faithfully to discharge the duties assigned them by this act, shall proceed to view, mark and locate said road on the nearest and best way that can be had between the two points aforesaid; and shall within thirty days after said location, cause a detailed report of their proceedings, showing the length of said road in each county, to be filed in the clerk's office of the county of Crawford.

SEC. 3. *And be it further enacted*, That George Arnold of Harrison county; Thomas Fleming of Crawford county, and Joseph Enlow of Dubois county, be, and they are hereby appointed to view, mark and locate a state road from New Albany in the county of Floyd, to Jasper in the county of Dubois. From New Albany to Jasper.

SEC. 4. The said commissioners, or any two of them, shall meet at Milltown in the county of Crawford on the first Monday of March, 1833, or on some subsequent day, as they may think proper, and after taking an oath or affirmation, faithfully to discharge the duties assigned them by this act, shall proceed to view, mark and locate a state road the nearest and best way from points aforesaid; and shall within thirty days thereafter, cause a detailed report of their doings to be filed in the clerk's office of the counties respectively through which said road may be located, giving the length of said road as located in such county; and the said clerks shall within ten days thereafter cause said reports to be recorded in the records of the boards doing county business respectively.

SEC. 5. *And be it further enacted*, That Joseph Denbo and James Sloan of Crawford county, and William Harris of Martin county, be, and they are hereby appointed commissioners, to view, mark, and locate a state road from Levenworth in the county of Crawford, to Mountpleasant in the county of Martin. From Levenworth to Mountpleasant.

SEC. 6. The said commissioners, or either two of them, shall meet at the town of Levenworth on the first Monday of March, 1833, or at some convenient day thereafter, and after taking an oath or affirmation, faithfully to discharge the duties assigned them by this act, shall proceed to view, mark and locate said road on the best ground and nearest way from the aforesaid points; and shall within thirty days thereafter, make out and file in the clerk's offices through which said road may be located, a detailed report thereof, giving the distance it may be located in each county. And said clerk shall within ten days thereafter, cause the same to be recorded in the records of the boards doing county business in their respective counties.

Com'rs to employ surveyors, &c. keep accounts, and file copy in the clerks' offices; expense to be paid by the counties respectively.

SEC. 7. The aforementioned commissioners may employ a surveyor and chain carriers if they deem it expedient, and keep an account of the number of hands, and the time occupied by themselves and assistants, a copy of which shall by them be filed, in the clerks' offices of the counties through which said roads may pass, and it shall be the duty of such clerks to lay the same before the boards doing county business in such counties at their next succeeding term, and the boards doing county business in such counties shall make such order for the payment of the same as they shall deem just and reasonable, reference being had to the distance said road may be located in such county; and all sums thus allowed shall be paid out of the treasury of the respective counties, on the order of said commissioners, out of any moneys in such county treasuries not otherwise appropriated.

County boards order roads to be opened.

SEC. 8. And it shall be the duties of the several boards doing county business, through which any of the aforementioned roads may pass, to order the same to be opened, any width not exceeding forty feet, in the same manner as county roads are opened, and thereafter kept in repair, in all respects as county roads are kept in repair.

Vacancies how filled.

SEC. 9. Should any vacancies occur by death, resignation or otherwise, or should any of the commissioners named in this act refuse to serve or qualify, the vacancy shall be filled or place supplied by the board doing county business, in the county where such vacancy may occur or where such person may reside who may refuse to serve or qualify as aforesaid.

This act to be in force from and after its publication in the Indiana Journal.

CHAPTER LXIXI.

An Act to establish the St. Joseph Orphan Asylum.

[APPROVED, FEBRUARY 2, 1833.]

Whereas, Stephen Theodore Badin of St. Joseph county, is desirous to establish an orphan asylum in the county, and to endow the same with three hundred acres of land and other endowments, and has applied to the legislature of Indiana to have the institution aforesaid incorporated by law; and whereas, the said institution will be beneficial to society in general, and to orphans in particular—
Therefore,

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be, and hereby is created and established, an orphan asylum for children of any denomination in the county of St. Joseph, to be known by the name and style of "The St. Joseph Orphan Asylum."

SEC. 2. There shall be a board of trustees consisting of seven persons who shall be and are hereby constituted a body corporate and politic, by the name of the "Trustees of St. Joseph Orphan Asylum," and in their said corporate name and capacity may plead and be impleaded in any court of record, and by that name shall have a perpetual succession.

SEC. 3. The said trustees shall fill all vacancies which may happen in their own body, elect a president of the board, secretary, treasurer, and such other officers as may be necessary for the good order and government of said corporation, and shall be competent at law and equity to take to themselves and their successors in their corporate name, any estate, real, personal, or mixed, by the gift, grant, bargain, sale, conveyance, will, devise, or bequest of any person or persons whomsoever; and the same estate, whether real, personal, or mixed, to grant, bargain, sell, convey, demise, let, place out on interest, or otherwise dispose of, for the use of said asylum, in such manner as to them shall seem most beneficial to the institution; and to receive the rents, profits, issues, income and interest thereon, and apply the same to the proper use and support of the said asylum, and generally, in their said corporate name, shall have full power to do and transact all and every kind of the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, body politic or corporate may or can do in the management of their own concerns, and to hold, enjoy, exercise, and use the right, powers, and privileges incident to bodies politic or corporate, in law or in equity: *Provided*, that it shall not be lawful for said corporation to hold or be

Preamble.

Corporate name.

Board of trustees.

Their powers.

Proviso.

Not to hold
real property
exceeding in
value
\$10,000 00.

the owner of real estate, exclusive of improvements, exceeding in value ten thousand dollars; and if by donation, devise or otherwise, [it] should become the legal or equitable owner of real estate of greater value, the same shall be sold by said corporation, within one year after such title shall have accrued or become vested therein, and a failure to make such sale shall operate as a forfeiture of the right of said corporation to said excess of real estate, and the same become vested in the state of Indiana.

Common seal.

SEC. 4. The said trustees shall cause to be made for their use, one common seal, with devices and inscriptions thereon as they shall think proper, under and by which all deeds, certificates, and acts of the said corporation shall pass and be authenticated.

Trustees to
meet and e-
lect officers.

SEC. 5. The said trustees, or a majority of them, shall meet in the course of the present year in the town of South Bend or Fort Wayne, and shall elect a president, secretary, treasurer, and other officers to organize and establish the institute, in the manner they shall judge best calculated for its existence and well being.

Fix the times
of their meet-
ings, make
by-laws, &c.

SEC. 6. The said board of trustees when organized in the manner aforesaid, shall forever thereafter determine the time of their future meetings, the manner of notifying the same, and act on their own adjournments as to them shall seem most expedient; and shall, from time to time, as occasion may require, make and ordain reasonable rules, ordinances, and bye-laws, with reasonable penalties, for the good government of the asylum, and the regulations of their own body, not repugnant to the laws and constitution of this state.

May remove
from office one
of their own
body or any
officer and
appoint oth-
ers.

SEC. 7. The said board of trustees shall have full power to remove any one of their own body for misconduct, breach of the bye-laws, or gross immorality, and may at any time they may deem it necessary for the good of the institution, remove any of the officers of said asylum or corporation, and others appoint in their stead. They may also elect any additional number of trustees, as they may deem expedient.

One trustee to
be elected an-
nually.

SEC. 8. Every year one member of the board of trustees shall, by casting lots or otherwise, be superceded or discharged from office, and the remaining members shall proceed to appoint a successor, or re-elect him by ballot or otherwise.

Trustees to e-
lect director,
&c.

SEC. 9. The said board of trustees shall, from time to time, as the interest of the institution may require, elect one director or directress, tutors or tutoresses, instructors or instructresses, and other officers, whose duty it will be to designate the course of instruction, and the kind of industry or employment to which each and all of the orphans are to be applied.

SEC. 10. The said board of trustees and governors or governesses of the asylum, are empowered to receive such orphans, and of such age or sex as they shall deem fit to select, and under such rules and conditions as may be ordained and adopted by them. They shall be the guardians of all and each of the orphans, and have at all times the power to correct the immoral and expel the incorrigible. It shall be their duty to provide for their feeding, clothing, and education, for their being taught to work, raised to virtuous habits, and trained to industrious pursuits, that they may become useful members of society. In short, the board of trustees, the governors and governesses, shall be, and they are hereby invested with all the powers and obligations of conscientious, humane, and charitable guardians. And the overseers of the poor shall be, in such cases, discharged of the duty and responsibility of providing for such orphans as shall be taken under the care and protection of the said board of trustees, or of the governors or governesses of the asylum.

Duties of the
governors of
the asylum.

SEC. 11. It shall and may be lawful for the governor of this state, whenever he may deem it expedient, to appoint one or more visitors of said asylum, whose duty it shall be to examine the situation of the same, the system of instruction, the employments, discipline, and internal regulation thereof, and report the same to the ensuing legislature.

Governor of
the state may
appoint visit-
ers: their du-
ty.

SEC. 12. It shall be the duty of the secretary of said corporation to keep a true and faithful record of all the proceedings of said board of trustees, in a suitable book, to be procured by them for that purpose, and make such copies and transcripts of the orders and proceedings of said board of trustees as may from time to time be required, and the same to duly certify, under the seal of the corporation; and for his services (if required) he shall receive such compensation as said trustees may from time to time allow, to be paid out of any fund in the treasury of said corporation, not otherwise appropriated.

Record to be
kept by the
sec'y.

SEC. 13. It shall be the duty of the treasurer of said corporation to keep a full, true, and faithful account of all the monies by him received by virtue of his said office, in suitable books for that purpose to be provided, and pay such monies out from time to time, as may be required by and upon the order of said board of trustees, duly certified by the secretary, and keep a similar account of all disbursements, and furnish the said board of trustees, whenever they may require the same, a full, true, and complete statement of such receipts and disbursements, and exhibit to them for their inspection his original books of entry.

His compen-
sation.

Treasurer, his
duties

SEC. 14. John Tipton of Cass county, Francis Comparet, and D. H. Coleric of the county of Allen, Alexis Coquil-

Frst board of
trustees.

lard, and William McCartney of St. Joseph county, L. Piccott of Knox, and S. P. La Lamiere of Daviess county, be, and they are hereby appointed trustees agreeably to the provisions of this act.

Proxy.

SEC. 15. The members of the board of trustees aforesaid shall have the faculty of acting by proxy when they cannot conveniently attend the meeting of the board. A majority shall form a quorum.

Called meetings.

SEC. 16. The president of the board, whom the trustees shall appoint, also his successor and successors forever, or in default of the president, the secretary, or any three members of the board, shall be empowered to call occasional meetings of the trustees, in such manner as their bye-laws shall direct.

Rights reserved to the legislature.

SEC. 17. The legislature reserves to itself the right to revise or amend the provisions of this act of incorporation, at any time after ten years, so as not however to impair the fundamental principles of the incorporation.

This act to take effect and be in force from and after its passage.

CHAPTER LXX.

An Act incorporating Congressional Townships, and providing for Public Schools therein.

[APPROVED, FEBRUARY 2, 1833.]

Corporation created, name and powers.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the inhabitants of each congressional township in this state be, and they are hereby constituted a body politic and corporate, by the name and style of "The Inhabitants of Congressional Township, No. (north or south as the case may be) in county or counties," (as the case may be,) and in such corporate name and capacity may sue and be sued, plead and be impleaded.

Process.

SEC. 2. The process against any such corporation shall be by summons, which being executed on any trustee or clerk thereof, hereinafter mentioned, the further proceedings shall be the same as against natural persons.

Com'r. how and for what time elected.

SEC. 3. One school commissioner shall be elected by the qualified voters of each county, in which no such commissioner elected or appointed under the provisions of the present law is now in office, on the first Monday of August next, subject to the provisions of the law regulating general elections, who shall hold his office for three years and until his successor is elected and qualified.

SEC. 4. Whenever any vacancy occurs in the office of

any commissioner, now or hereafter elected or appointed, by death, removal, resignation, expiration of the term of office, or otherwise, the same shall be filled at the next August election, by the qualified voters of his county, as provided in the last preceding section of this act; and in the interim such vacancy shall be filled by a qualified person to be appointed by the board doing county business of said county. Vacancy, how filled.

SEC. 5. Every such commissioner, whether appointed or elected shall before entering on the duties of his office, take an oath for the faithful execution of his duties, and give bond payable to the state of Indiana, for the use of the schools of the congressional townships within his jurisdiction, in the penalty of ten thousand dollars, with at least six freehold securities, to be approved by the board doing county business of his county, conditioned, for the faithful discharge of the duties of his office, and for delivering over to his successor, all moneys, books, and papers that may come to his hands as such commissioner, which bond shall be filed and recorded in the recorder's office of his county. Bond & oath of com'r.

SEC. 6. Such commissioner shall keep his office at his dwelling house in his county, and may appoint one or more deputies, removable at pleasure, who shall be authorized to perform any of the duties of such commissioner, who, and whose securities, shall be responsible for the acts of such deputy or deputies. Office. Duties.

SEC. 7. Suit may be brought on such bond in the name of the state, for the use of any congressional township, person or persons injured by reason of any breach of the same, by such commissioner, and a further suit, or suits, may be brought thereon for any other or subsequent breach to the injury of any other person or persons, township or townships. Suit on bond.

SEC. 8. Such commissioner shall be entitled to demand sue for, recover and receive all moneys arising from the sale of school lands in his county, whether interest or principal, and shall annually, at the first session of the board doing county business of such county, lay an account thereof before the same, specifying from whom, and on what account received; and if loaned, to whom, on what security, for what rate of interest, for how long a term, and the balance due; which report the clerk of said board shall file in his office. Com'r's duty relative to money arising from school lands.

SEC. 9. Such commissioner shall be liable to removal from office by the board doing county business of his county, upon failure to give such additional security, as such board may at any time require, or upon conviction by indictment for any mal-conduct in office, or on account of incapacity to discharge its duties. Removal from office, for what cause.

County tr.
may be a
com'r..

SEC. 10. The treasurer of any county may be elected or appointed to the office of school commissioner of his county, without resigning his office as treasurer, subject to the provisions of this act.

Compensa-
tion.

SEC. 11. Each board doing county business, shall make an allowance out of their county treasury to the school commissioner of their county, of two dollars for each day's services as such; and a further allowance for any necessary expenses not herein provided for.

Annual elec-
tion for trus-
tees.

SEC. 12. There shall be an election held on the last Saturday of August, in each and every year, in such township, for the election of one or more trustees, as the case may be, by ballot.

Notice of e-
lection.

SEC. 13. The school commissioner having jurisdiction over such township, for the first such election, and the trustees for each subsequent one, shall cause written notices to be posted up in three of the most public places in such township, at least twenty days previous to the same, specifying therein, the time, objects and place thereof, which place shall be as near as may be convenient, to the centre of such township.

Inspector.

SEC. 14. Such commissioner or trustees, as the case may be, shall at the same time appoint an inspector of such election, enter the same of record, and in due time forward a certified copy of such appointment to him.

Inspector fail-
ing to attend,
&c.

SEC. 15. Should such inspector not be so appointed, or fail to attend at nine o'clock, A. M., on the day of such election, or attending, fail to qualify or act as such, then a majority of such voters present shall appoint an inspector in his place.

Elections,
how conduct-
ed.

SEC. 16. The time and manner of opening, conducting and closing such election, the mode of appointing the judges and clerks thereof, and the several duties, penalties, and liabilities appertaining to them, and the said voters, severally and collectively, shall be the same as are prescribed in an act entitled "an act to regulate general elections," approved, January 30, 1831, subject to the provisions of this act, so far as the same are applicable.

Householders
or freeholders
to be elected
as trustees at
first election.

SEC. 17. At the first election of trustees held in each township, pursuant to the provisions of the last preceding section of this act, three resident householders or resident freeholders of such township, qualified voters thereof, shall be elected as such.

Term of of-
fice.

SEC. 18. The person having the highest number of votes for trustee, at the last aforesaid election, shall serve three years, the person having the next highest number of votes, shall serve two years, and the person having the next highest number of votes, shall serve one year as such trustee respectively.

SEC. 19. If the highest, the second highest, or the third highest number of votes given at such election for trustees, be given to two or more persons, their term of service or election (as the case may be) shall be determined by lot on the day of such election, after the same is closed, by the judges and clerks thereof.

Where there is a tie, judges &c. to determine by lot.

SEC. 20. Such judges and clerks shall within seven days after such election, certify to such school commissioner under their hands, the number of votes given at such election for each person as trustee, together with the determination by lot as aforesaid, if made, and also deliver to him the votes, list of voters, and tally papers had at such election, to be by him filed in his office.

Certificate of election.

SEC. 21. Such commissioner shall enter every such certificate in his record book, and shall thereupon give a certified copy thereof under his hand to each of the three persons entitled to receive the same as aforesaid, specifying therein the term of service of the holder thereof.

Record of certificate.

SEC. 22. At each such subsequent annual election, there shall be elected one trustee of like qualification to fill the place of the trustee whose term of service as such will then have expired, to serve as such trustee for the term of three years; and also to elect one other trustee of like qualifications, to fill the vacancy if any shall have occurred in the office of either of the other trustees; and every such election shall be governed by the same provisions, and the duties and liabilities of the voters, judges, clerks, commissioners and others, shall be the same as far as applicable, as are required in the case of such first election.

One trustee to be elected annually.

SEC. 23. Any vacancy arising in the office of any such trustee, shall be filled, until the next annual election, by the appointment of a person of like qualifications, by the school commissioner having jurisdiction over the township of such trustee; which shall by such commissioner be entered of record, a certified copy of which shall, by such commissioner, be delivered to the person so appointed.

Vacancy in board of trustees, how filled.

SEC. 24. The school commissioner, on the request of any three persons of his county, shall appoint such trustees, for a township, which may never have elected trustees, to serve until trustees are elected therefor, as provided by this act.

Com'r or county board shall appoint trustees in certain cases.

SEC. 25. Should there be no commissioner, then the board doing county business shall make such appointment, subject to the provisions aforesaid.

SEC. 26. Should the township be situate in two or more counties, the board of either, may make such appointment, the first appointment having the preference.

SEC. 27. The trustees, in the three last preceding sections of this act mentioned, shall be removable, and their

vacancies filled at pleasure by the power which appointed them.

Trustee's oath. SEC. 28. Each person so designated as a trustee by election, appointment or lot as aforesaid, shall not serve as such until he shall first take an oath for the faithful discharge of his duties, which the school commissioner is authorized to administer.

Term of office. SEC. 29. Every such trustee shall serve as such, for the term for which he shall have been so elected, designated by lot, or appointed, (as the case may be) and until his successor shall be qualified as aforesaid.

Clerk to be president of the board. SEC. 30. Such trustees shall annually appoint one of their number as clerk, who shall *ex officio* act as president of their board and continue in office until his successor is appointed; and any vacancy in his office shall be filled by such trustees from their body.

Clerk convene the board. SEC. 31. Such clerk shall convene such board, on notice by him to them first given, or at the instance of either of his co-trustees, at such time and place, and as often as in his discretion their duties may require, and shall sign their recorded proceedings at every such meeting.

Record. SEC. 32. The clerk shall keep a fair and true record of the proceedings of such board at each meeting.

Seal. SEC. 33. Such trustees, if they deem it expedient, may devise and procure a corporate seal for their congressional township, which may be altered or renewed at pleasure, until which time any of their acts or proceedings requiring it, shall be authenticated by the scrawl, or ink seal of their clerk, which shall have the effect of such corporate seal.

Trustees compensation. SEC. 34. Every trustee, for each day's service by him rendered, during any year as such, shall, as a compensation therefor, be exempt, at his option, from one day's military duty, or one day's road labour, or fifty cents of road tax, to which he may be liable during the same year.

Not exempt from military duty in certain cases. SEC. 35. But no trustee shall be exempt from military duty as aforesaid, while a commissioned military officer, or in case of war, invasion, insurrection, or when required to aid the civil authorities.

Further compensation by county board. SEC. 36. Should any trustee while in office, not be liable to military duty, road labour and road tax, or to so much of them, or of any or either of them during any year as will by the above provisions, compensate him for his services as trustee during such year, the board doing county business for the county in which his congressional township is situate, shall make such other or further compensation, as the case may be, as will not in the aggregate exceed fifty cents for each day's services as trustee in such year; taking into consideration the compensation arising from any exemption as aforesaid, if any.

SEC. 37. Should any congressional township be situate in two or more counties, the board doing county business in each of said counties, shall make so much of such other or further compensation, as will bear the same proportion thereto as the part of such township lying in such county bears to the residue, as nearly as the same can with convenience be ascertained.

SEC. 38. Such board or boards, (as the case may be) doing county business, shall also compensate said trustees in manner aforesaid, or in proportion aforesaid, (as the case may be) for all moneys by them paid out, or expenses incurred in the necessary discharge of any other of their duties, for which compensation is not provided by this act.

SEC. 39. Wherever the sixteenth section, or fractional part thereof, belonging to any congressional township in which the same is situate, for the use of schools, shall be in two or more counties, the trustees thereof may select which school commissioner of such counties shall have jurisdiction over the same.

SEC. 40. Wherever any township shall have lands belonging thereto for the use of schools, and not situate therein, the school commissioner of the county in which such township lies, shall have jurisdiction over the same.

SEC. 41. But if the township in the last preceding section mentioned, should lie in two or more counties, the trustees thereof shall select which school commissioner of such counties shall have jurisdiction over the school lands there-to belonging.

SEC. 42. The jurisdiction herein given to the commissioner over the school lands, not situate in his county, shall give him and the trustees and inhabitants of the congressional township to which the same belongs, the same power and authority over such lands, and subject him and them to the same duties, and such lands to the same provisions of the law, as though the lands were situate in such township and county.

SEC. 43. On the written petition of at least five qualified voters, who are inhabitants of any congressional township, to which any unsold lands for the use of schools may then belong, the school commissioner having jurisdiction over such township, or the trustees thereof, (as the case may be) shall insert in the notices of the election for a trustee or trustees, to be held on the last Saturday of August next following, the additional notice, that a balloting will then be had, to determine the question whether the said lands shall be sold or not.

SEC. 44. The commissioner or trustees (as the case may be) shall enter in his or their book, the fact that such

Compensation where township is situated in two or more counties.

County board compensate trustees for expenses &c.

Duty of trustees where 16th section is situate in two or more counties.

Jurisdiction of school com'r.

Duty of com'r &c. in reference to the sale of the school lands.

Petition to be recorded.

petition was presented with the object thereof, and time of presentation.

Ballot for and
against sale,
how taken.

SEC. 45. Every voter at such election, favoring the sale of such lands, shall write on the ballot used by him in voting for a trustee or trustees, the word "sale," and every voter opposing such sale, shall write on his ballot used for that purpose, the words "no sale."

Who may
vote.

SEC. 46. No one but a qualified voter, who is an inhabitant of the congressional township, shall vote for a trustee thereof, or for or against the sale of any lands belonging thereto.

Certificate of
judges, &c.
of election in
reference
thereto.

SEC. 47. If at the time of such election, there shall be at least twenty inhabitants of such township who are qualified voters, and if, at such election, a majority of them vote in favor of such sale, the judges and clerks thereof shall include a statement of such facts, setting forth the number of votes for and against such sale, in their certificate in relation to the election of a trustee or trustees as aforesaid, which shall by him be recorded as aforesaid.

Lands to be di-
vided, &c.
Minimum
price.

SEC. 48. The trustees of such township shall thereupon, if necessary, divide the lands so voted to be sold, into such lots as will best suit purchasers, and insure the best price therefor, fixing a *minimum* price to each lot, below which the same shall not be sold.

SEC. 49. Such *minimum* price shall in no case be less than one dollar and twenty-five cents per acre.

Com'r record
appraisal, &c.

SEC. 50. The clerk of said trustees shall forthwith certify to the commissioner, such appraisal of lots, and also such divisions (if made) who shall record the same at length in his books.

Sale at public
auction.

SEC. 51. The commissioner shall thereupon proceed to sell such lots separately at public auction, to the highest bidder, as hereinafter provided.

Unexpired
leases, how
cancelled.

SEC. 52. The township trustees are authorized, with the consent of the lessee or person deriving title from him, to cancel or annul any unexpired lease, which avoidance shall be evidenced in writing under the hands of such trustees and lessee, or person deriving title from him as aforesaid.

SEC. 53. Such avoidance shall be filed away and kept by the school commissioner and recorded in his book, an attested copy of which record shall be *prima facie* evidence of the contents of such avoidance.

Benefits of an
unexpired
lease shall in-
ure to the
purchaser.

SEC. 54. Any school lands subject to an unexpired lease may be sold, if under the provisions of this act it be so voted, but subject to such lease, the full benefit of which shall inure to such purchaser, his or her representatives or assigns, in their names respectively, and the same may be enforced in his, her, or their names.

SEC. 55. The commissioner, at least sixty days before the sale by him of any school lands, shall post up notices thereof in three of the most public places in the township where the land is situated, at the court house door, and such other places as he may deem proper, and advertise the same in the nearest public newspaper thereto.

Notice of sale.

SEC. 56. Such sale shall be held at the court house of the county in which the lands are situate, between the hours of 1 A. M. and 6 P. M., and may be adjourned from day to day until the same is completed.

Sale, where
and when to
be held.

SEC. 57. Where school lands have been offered for sale under this act, and remain unsold, the commissioner is required to sell the same at private sale, for the best price that can be had for the same, not less than the minimum price thereof so fixed by the trustees.

When lands
are to be sold
at private
sale.

SEC. 58. The commissioner shall record every such sale in his book, setting forth the tract sold, when, to whom, and for what amount, and deliver a certified copy thereof under his hand to the recorder of his county, within five days thereafter, who shall record the same and certify a copy thereof to the board doing county business of said county.

Record there-
of.

SEC. 59. Every purchaser at such sale shall pay at the time thereof to the commissioner one fourth of the principal and legal interest on the residue for one year in advance.

One fourth of
purchase mo-
ney &c. paid
in advance.

SEC. 60. Such residue shall be paid by the purchaser to said commissioner or his successor in office, within ten years from the time of sale, the legal interest on which shall be paid annually in advance.

Residue to be
paid in ten
years.

SEC. 61. Any failure to pay such interest for any year, or the residue of the principal, for sixty days after either becomes due, shall be a forfeiture of the land on which the same shall be so due and unpaid, as well as of any and all previous payments made thereon, and of the contract of sale therefor, to the congressional township to which the said land belongs.

Forfeiture.

SEC. 62. If any person shall forfeit any lands sold under the provisions of this act, he shall be liable for any damages he may have committed thereon, by the unnecessary waste or injury of timber or otherwise, to be sued for and recovered in the corporate name of the congressional township to which the same belongs.

Persons for-
feiting lands
liable for
waste.

SEC. 63. The commissioner shall forthwith proceed to sell the land so forfeited, subject to the same regulations as the first sale thereof is by law authorized to be conducted.

Sale of forfeit-
ed land.

SEC. 64. Such commissioner on receiving the first payment for land sold as aforesaid, shall give the purchaser a certificate of such sale, in substance as follows: "A. B. having on this day purchased the (here describe the land so sold) being part of the school section belonging to congress-

Form of certi-
ficate.

sional township number —, (north or south as the case may be,) in range number —, (east or west as the case may be,) in — county, Indiana, for the sum of — dollars and — cents, of which he has paid — dollars and — cents, being one fourth part of such purchase money and one year's interest in advance on the residue of the principal, which is — dollars and — cents, and payable in ten years from this date, together with six per centum interest thereon annually in advance; and if full payment of said principal and interest be made within ten years from this date, then the said A. B., his assigns or representatives, shall be entitled to a deed in fee simple for said tract, in the name of said township; but on failure to pay said interest for any year, or the residue of said principal, for sixty days after either becomes due, the said tract and all payments theretofore made thereon, and this contract of sale shall be forfeited, and revert to the said township for school purposes. Witness my hand and seal, this — day of —, 18—. —, Commissioner."

Purchasers failing to make the first payment liable to damages.

SEC. 65. Any person bidding off any tract of land at any such sale, and failing at the time to make the first payment above required, shall be liable to pay ten per centum on the sum so bid to be recovered by said commissioner in an action of debt before a justice of the peace, or in the circuit court, as the case may require from the amount demanded, in the corporate name of the township owning such land; and such commissioner, his deputy or agent, shall be a competent witness in such action.

Possession.

SEC. 66. Every purchaser of any school lands, holding a certificate of sale therefor as aforesaid, shall have the right of possession thereof unless he shall forfeit the same as aforesaid, or unless the same be held by a prior unexpired lease, the lessee not consenting thereto.

Deed.

SEC. 67. Upon full payment of principal and interest for any tract of school land so sold as herein required, the commissioner shall execute a deed of conveyance therefor to the purchaser, his heirs or assigns, in the corporate name of the congressional township to which the same belongs.

SEC. 68. Should such purchase money be paid before the same is due, with all interest then due thereon, such deed may be required forthwith, but no discount shall be allowed for such prompt payment.

SEC. 69. Such deed when executed shall vest in the purchaser or his assignee, (as the case may be,) his heirs and assigns forever, all the right, title, and interest of the inhabitants of the township to such land.

Form of deed.

SEC. 70. Such deed may be in substance as follows: "Whereas, A. B., (or his assignee as the case may be,) has paid the sum of —, in full for the — half of —

quarter of section number —, in town number — of range number —, (or otherwise describing the land,) containing — acres: Now, know ye, that in consideration of the premises, and in conformity with the statute in such case provided, I, C. D., school commissioner for the county of —, for, and in the name of "The Inhabitants of Congressional Township number —, (here describe the township so as to identify it,) do give and grant the said — half of — quarter of section —, in said township number —, to the said A. B. and his heirs and assigns forever.

C. D., School Com'r. — county [seal]"

SEC. 71. Such deed shall be acknowledged as in other cases by such commissioner at the cost of the grantee. **Acknowledgments.**

SEC. 72. No assignment of any such certificate shall be recognized by such commissioner, unless the same be acknowledged before him or some other officer of this state, duly authorized by law to take acknowledgments of deeds. **Assignments to be acknowledged by proper officer.**

SEC. 73. The said commissioner shall keep a separate account of the funds belonging to the inhabitants of each congressional township within his jurisdiction, and of his transactions in relation to the same, and in keeping said account he shall distinguish such sums as are received as principal, and such as interest. **Commissioner's duty in relation to the funds.**

SEC. 74. Such trustees, when the school section of their congressional township, or a part thereof, has been sold, shall call a meeting of the qualified voters of said township to determine by vote the question whether the monies arising from their school lands, or from donations, shall be deposited in the loan office, or be loaned by the school commissioner. **Manner of loaning the money, determined by vote.**

SEC. 75. Said meeting shall be held in some public and convenient place in such township, of which and of the time and object of such meeting, the township trustees shall give two weeks previous notice by written advertisements put up in three of the most public places therein. **Notice.**

SEC. 76. The clerk of such trustees shall act as the inspector of the votes at any meeting held by the qualified voters of their congressional township, not otherwise, in that respect, provided for by this law. **Inspector.**

SEC. 77. Should such clerk fail to attend at nine o'clock, A. M. on the day of such meeting, or attending, fail to qualify or act as such inspector, a majority of the voters present shall appoint an inspector in his place.

SEC. 78. Such inspector shall appoint two judges of the votes at such meeting, giving preference in such appointment to the remaining trustee or trustees, if present, and shall also appoint two clerks of such meeting. **Judges and clerks.**

SEC. 79. The hours and manner of opening, closing and **Manner of**

conducting
the balloting,
&c.

conducting the balloting at such meeting and the several duties, liabilities, and penalties appertaining to or devolving on the officers and voters thereof and others, severally and collectively, shall be the same as are prescribed in this act in relation to the election of trustees, except as is herein otherwise provided.

How money
disposed of
determined
by ballot.

SEC. 80. Each voter at such meeting wishing said monies to be deposited in the loan office shall write on his ballot "loan office," or other words expressive of such wish, and each voter wishing said monies to be retained and loaned by such school commissioner shall write on his ticket "commissioner," or other words expressive of such wish.

Votes record-
ed.

SEC. 81. The number of votes so given on both sides shall be recorded in the book of the trustees of such township by their clerk.

Judges certify
to com'r.

SEC. 82. If a majority of the voters of any such township decide in favor of placing said monies in the loan office, a certificate of the same shall be made by the judges of such meeting under their signatures, and be forwarded by them to the commissioner without delay.

Record of
certificate.

SEC. 83. The commissioner shall record said certificate in his book, and retain the original on file in his office.

Deposit in
loan office.

SEC. 84. The commissioner on receipt of such certificate shall, as soon as practicable, deposit the school funds of the inhabitants of such congressional township in the loan office.

Receipt.

SEC. 85. The commissioner shall take from the superintendent of the loan office, a receipt specifying the amount deposited and the township from which the same was received.

Record, &c.

SEC. 86. The commissioner shall copy said receipt in his book and file the same in his office, and also forward a certified copy thereof to the clerk of the trustees of the proper township, who shall record the same in his book and keep the original on file in his office.

Compensa-
tion for depo-
siting.

SEC. 87. The commissioner may retain out of any monies by him deposited in such loan office under the provisions of this act, one per centum on the amount thereof as a compensation for that service.

Money in
loan office,
a permanent
fund for edu-
cation.

SEC. 88. The monies placed in the loan office belonging to the inhabitants of any township shall there remain a permanent fund for the purposes of school education for such township, and shall yield a legal interest, not less than at the rate of six per cent. per annum.

Faith of the
state pledged.

SEC. 89. And the faith of this state is hereby solemnly pledged to the inhabitants of each of said townships for the preservation of the said funds belonging thereto, and for the payment of the said annual interest.

Duty of su-
perintendent.

SEC. 90. The superintendent of the loan office shall calculate the interest which shall have accrued on the monies

of each township on the second Monday of January in each year, which he shall pay over thereafter when applied to for that purpose as aforesaid.

SEC. 91. If the commissioner shall not be notified, as in this act mentioned, to deposit the school fund of any township in the loan office, he shall loan the same as fast as it shall come to his hands, at an interest of not less than six per cent. per annum, payable in advance, and for a term not less than one nor more than three years.

SEC. 92. In loaning said monies, preference shall be given to applicants who are citizens and freeholders of the township to which the same belongs, if applied for within five days after the receipt of the same by the commissioner.

SEC. 93. The school commissioner shall make a calculation of the interest in his hands, which shall have accrued on the school monies in his care, on the first Monday in March of every year, which he shall thereafter pay over, when applied to as herein provided.

SEC. 94. To entitle any person to the loan of school funds, he or she shall file with the commissioner the certificate of the recorder of the county in which the lands proposed to be mortgaged on such loan lie, shewing that the unincumbered chain of title to such lands is regularly derived on record in his office from the United States, and that there is no mortgage, lien, or claim on such lands, of record in his office; also, the certificate of the clerk of the circuit court of the same county, that there is no suit pending, nor judgment of record in his office against such applicant, which shall be accompanied by the affidavit of the applicant, to be administered by said commissioner, that said land is free and unincumbered, and that the legal and equitable title thereto is in him.

SEC. 95. Said land shall thereupon be appraised by the trustees of the congressional township where the land lies, excluding buildings, and deducting any contingent interest of dower, or tenancy by courtesy.

SEC. 96. Such commissioner shall thereupon, on taking a mortgage as hereinafter expressed, loan to such applicant any sum not exceeding half of such appraised value of said land; but a greater amount than three hundred dollars shall not be on loan to any one applicant, or joint concern, at any time.

SEC. 97. The funds so loaned on any one mortgage, shall belong to but one congressional township.

SEC. 98. Every such appraisement, certificate of a clerk or recorder, and affidavit, shall be by such commissioner carefully filed away and kept in his office.

SEC. 99. Prior to loaning any such money, the applicant shall execute duplicate mortgages, which may be acknowl-

Fund to be
loaned by
commissioner
if not deposit-
ed in the loan
office.

Preference in
loans.

Interest, how
disposed of.

Recorder's,
certificate
that lands
proposed to
be mortgaged
are unincum-
bered.

Appraisement

Amount of
loan to one
person.

Appraisement
&c. to be filed.

Form of mortgage. edged before the commissioner, and may be substantially as follows: "I, A. B. of the county of —, Indiana, do hereby mortgage, assign over, and transfer to —, commissioner of the school lands in the county of —, and his successors in office, for the use of congressional township —, in range, &c. (here describe the township) the following described land, to-wit: (here describe the land) to secure the payment of the sum of — in — years from date, with interest thereon, payable in advance annually, and I do agree that said land and all my title, interest, and claim therein may be exposed to sale if any part of such principal and interest, or of either of them, be not paid at the time the same, or either of them, or any part thereof shall become due as herein stipulated, or within sixty days thereafter, for the payment of all the principal and interest in arrears, with five per centum damages thereon, and all costs; and I hereby acknowledge myself bound for the payment of any deficiency in the amount of principal, interest, and costs due after such sale, to be recovered by such commissioner, or his successor in office, by action of debt in any court of competent jurisdiction. In witness whereof, I have hereunto set my hand and seal this — day of —, in the year —.

A. B. [seal.]"

One of said duplicate mortgages shall be filed and recorded in the recorder's office of the proper county, and the other filed and retained by said commissioner, and either of them shall be original evidence of the contents thereof.

Forfeiture of further credit on loans by non-payment of interest.

SEC. 100. If default be made in the payment of any interest on any loan hereby authorized, for the space of sixty days after the same is due, such default shall be a forfeiture of further credit on such loan; and all the principal and interest thereon shall be due and payable *instantly*.

Mortgaged premises to be sold.

SEC. 101. On failure to pay any part of such interest or principal when due, the commissioner shall forthwith advertise the premises mortgaged in security therefor, for public sale, in the same manner that real estate taken in execution is required to be advertised; and shall, upon the day so advertised for such sale, sell the same by public outcry to the highest bidder for ready money, and shall retain out of the proceeds accruing from such sale five per centum thereon for his trouble, with all other costs accruing on said sale, and the full amount of principal and interest unpaid on such loan, paying over the residue, if any, to the mortgager of such land or his legal representative.

Mortgager being dead, no special notice to heirs, &c. required.

SEC. 102. Any mortgaged lands, liable under the provisions of this act to be sold for any default of payment, may if the mortgager be dead, be so sold without any notice to his or her heirs or representatives, or others, other than the advertisements provided for by this act; and the title of the pur-

chaser, in such case, shall be as valid as though such mortgager were living.

SEC. 103. If the amount made on such sale be insufficient to pay the debt, interest, costs, and per centum, such commissioner or his successor, shall immediately proceed by action of debt to recover the residue, either in his own name, as such commissioner, or in the corporate name of the congressional township to which such residue belongs; in which latter case, such commissioner shall be a competent witness.

Residue to be recovered by action of debt.

SEC. 104. Upon sale of the mortgaged premises, each commissioner or his successor shall, on the receipt of the purchase money, make a deed of conveyance to the purchaser of the lands so sold, which shall vest in him the right and title of such mortgager thereto.

Commissioner's deed.

SEC. 105. The board of trustees of the congressional township to which such debt and interest belongs may, previous to such sale, order a member of such board to attend thereat and bid for such land, an amount not exceeding the aggregate of such debt, interest, costs, and per centum, should no other person bid an amount equal to such aggregate.

Trustees may order property to be bid to the amount of debt, &c.

SEC. 106. Such order shall be recorded by the clerk of said board in his book, a certified copy of which under his hand shall authorize the member thereto appointed and holding the same, to bid as aforesaid.

Order to be recorded, &c.

SEC. 107. Should such member bid off such land as aforesaid, such commissioner shall execute to the inhabitants of said township a deed of conveyance therefor, which shall vest in such inhabitants, as such body politic and corporate, the right and title of such mortgager thereto.

Deed, to whom made, &c.

SEC. 108. Such land shall afterwards be subject to the same provisions of this and any other law to which the sixteenth section of any congressional township is made subject.

Subject to laws regulating sixteenth sections.

SEC. 109. Should such land be bid in by order of such trustees as aforesaid, such costs shall be defrayed out of any school monies belonging to such township, and may be retained by such commissioner out of any such monies which may then or thereafter be in his hands, he keeping a regular account thereof.

Costs.

SEC. 110. Any school lands sold under this act shall be free from taxation for any purpose until the same be finally paid out.

Taxation.

SEC. 111. The mortgager shall be liable to pay the taxes on the mortgaged lands, and the personal property and other lands of the mortgager shall, in the order named, be first liable for such taxes.

SEC. 112. Should such taxes not be made therefrom,

through either want or deficiency of such personal property and other lands, the mortgaged lands shall be subject to the same provisions as are other lands on which there is a failure to pay the taxes, subject however to the incumbrance of such mortgage.

Discretion of
com'r. in giv-
ing loans.

SEC. 113. When there are more applications than one for the same money, the commissioner shall loan it on either at his discretion, upon the best terms and security offered, in manner aforesaid.

Indictments
against com-
missioner, for
what cause.

SEC. 114. If any commissioner shall retain school money in his hands when the same could have been loaned on good security, he shall, upon conviction thereof, by presentment or indictment, be fined in any sum not exceeding five hundred dollars; and on such conviction there shall be a judgment of deprivation of his office.

Taxes retain-
ed.

SEC. 115. When such commissioner shall loan money under the provisions of this act, he shall retain one year's interest out of the loan, at the highest rate per centum allowed by law which can be procured, not less than six.

Fees.

SEC. 116. There shall also be retained out of said loan by such commissioner at the same time the fees annexed to such of the following services as may be required in perfecting such loan under the provisions of this act, that is to say:

To each trustee for appraisement of any land contemplated to be mortgaged as aforesaid,	\$ 25
For recording any such mortgage,	25
For entering satisfaction of record of the same,	12½
For writing such duplicate mortgages,	50
For taking the borrower's affidavit as aforesaid,	12½

SEC. 117. Such commissioner shall also be entitled to the following fees for the services thereto severally annexed, to-wit:

For writing out each certificate of the purchase of school lands, to be paid by the purchaser,	\$ 25
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Taking an acknowledgement of the assignment of any such certificate to be paid by the person making the same,	12½
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Each entry of payment of principal or interest on a loan by mortgage, or on a purchase of school lands, to be paid by the person making the same,	25
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For making a deed to purchaser of school lands, to be paid by him,	75
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For making deed to purchaser of mortgaged lands at public sale, to be paid out of the proceeds of such sale,	75
--	----

For advertising such sale in a public newspaper, if there be one in such commissioner's county, to be retained out of such proceeds,	1 00
--	------

For any other advertisements in a public newspaper required by law, for three insertions,	1 00
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For any additional insertion thereof, required by law,	25
--	----

The two last items to be allowed by the board or boards (as the case may be,) doing county business.

For taking each acknowledgment of a mortgage for the loan of school money,	12½
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SEC. 118. Such township trustees shall have power to lease any school lands belonging to their congressional township, for such term of time, on such conditions, and for the payment of such rent, either in money or property, as they shall deem most beneficial: *Provided*, that no such lease shall hereafter extend beyond the term of three years: *And provided*, that the trustees may lease any tract of land for improvements to be made thereon, for the shortest time possible, not exceeding ten years.

Lands may be leased.

Proviso.

Proviso.

SEC. 119. During the existence of any such lease, such trustees shall have and exercise all the rights and privileges of landlords, in coercing the fulfilment of contracts and preventing waste or damage to the lands leased, either in their official names or the corporate name of their township.

Trustees shall have all the rights, &c. of landlords.

SEC. 120. Said trustees shall annually draw upon the superintendent of the loan office, and also upon the school commissioner, for any interest of monies belonging to their township, copies of which drafts shall be recorded by their clerk in his book.

Interest on school funds, how drawn.

SEC. 121. The superintendent or commissioner (as the case may be) shall pay over such drafts and file them away as his vouchers.

SEC. 122. But the superintendent shall not be bound to recognize any such draft, unless the commissioner annexes his certificate thereto, that the persons making the same are trustees of their township.

Drafts to be certified by com'r.

SEC. 123. The trustees shall not make any such draft unless the inhabitants of at least one district of their township shall have determined to establish a public school therein.

SEC. 124. The trustees shall receive all monies accruing to their township, from leases or otherwise, unless as herein directed to be paid to the commissioner, and shall preserve all personal property and rents in kind belonging or accruing to said township, from leases or otherwise, and may sell such property from time to time, in such manner as will best promote the interest of their township.

Trustee's duty in relation to rents, &c.

SEC. 125. The proceeds of such sales, and all monies coming to their hands as such, shall by the trustees be deposited with the commissioner or in the loan office, (as they may be required,) unless schools should be voted to be established in their township, and such funds should be needed for distri-

Proceeds, how disposed of.

bution, as hereinafter mentioned; in which case their treasurer shall keep the same for that purpose.

Suit, for injury to school lands, &c.

SEC. 126. The trustees, in the corporate name of their township, may sue and recover on any cause of action accruing before or after the commencement of their official character, to the inhabitants of the township in their corporate capacity, by reason of any injury done to school lands, school houses, or otherwise.

No statute of limitations.

SEC. 127. No statute of limitations shall be pleadable in any suit brought by any school commissioner in his official, or by any township in its corporate capacity.

Township treasurer.

SEC. 128. The trustees shall annually appoint one of their body as treasurer of their township in whose hands shall be placed, from time to time, all rents, issues, profits, interests, debts, and damages belonging to such township, except as is otherwise herein provided.

Interest may be loaned as principal.

SEC. 129. But the trustees may direct that any interest belonging to their township may remain in the hands of the commissioner, or superintendent of the loan office (as the case may be) to be loaned as in case of the principal.

Vacancy.

SEC. 130. Any vacancy arising in the office of treasurer, shall be filled by the trustees from their body.

Treasurer's bond.

SEC. 131. Every treasurer, before entering on the duties of his office, shall give bond with freehold securities to the acceptance of the commissioner, in such penalty as he may require, conditioned for the faithful discharge of the duties of his office, and for the delivery to his successor of all moneys, papers, books, and property in his hands as such treasurer.

May be removed, for what cause.

SEC. 132. Such person shall be liable to removal from office by the commissioner, on failing to give such reasonable additional security as he may from time to time require, or on conviction by indictment for mal-conduct in office.

Townships to be divided into school districts.

SEC. 133. The trustees of any township not divided into school districts, shall as soon as convenient and practicable, proceed to divide the same into such districts, each of such size and limits as will be most convenient for the support of a common school therein for the use of all its inhabitants.

Sub-division of districts.

SEC. 134. Any school district, on petition of a majority of its voters, may by the township trustees at any time be sub-divided, or otherwise changed in its size or limits, as convenience may require.

Record.

SEC. 135. The school districts shall collectively include all the territory in the township, and an accurate description of each, regularly numbered, shall be recorded by the clerk of the trustees in his book.

Election of

SEC. 136. The qualified voters of each district shall on

the first Saturday of October annually, elect three district trustees thereof. district trustees.

SEC. 137. The township trustees shall post up a written notice of the first election of district trustees, ten days previously in the district, and the district trustees shall post up such notice for each subsequent election. Notice.

SEC. 138. The voters at such election shall appoint their own inspector, and the election shall be subject to the same provisions to which an election for township trustees is subject, except that the judges and clerks of the election shall certify the result thereof to the clerk of the township trustees, who shall thereupon perform the same duties in relation thereto, as are required of the school commissioner in relation to an election of township trustees. Election, how conducted.

SEC. 139. Every district trustee shall be a voter of his district, and after taking an oath or affirmation, which may be administered by such clerk of trustees, for the faithful discharge of the duties of his office, shall act as such for the term of one year, and until his successor is qualified. Trustee's oath.

SEC. 140. Vacancies in the offices of district trustees shall be filled by the clerk of the township trustees until the next election. Vacancy.

SEC. 141. The district trustees shall appoint one of their body as their district clerk, who shall keep a record of their proceedings. Clerk.

SEC. 142. The district trustees shall, whenever in their opinion the interests of their district may require, or whenever thereto requested by five freeholders or householders of said district, proceed to call a meeting of the householders and freeholders thereof, who are voters, as near the centre of the same as may be convenient, of which they shall post up ten days previous notice thereof in the district, unless in case of emergency, when they shall give personal notice to each. District trustees call meeting of inhabitants.

SEC. 143. The district clerk, or in his absence, one of his fellow district trustees, shall preside at such meeting, and shall proceed to take the vote of the meeting, *viva voce* by ayes and noes, or by a count on such questions as any freeholder or householder may propose, touching the building or adopting a school house, procuring a site therefor, the materials, dimensions, and workmanship of such house, and its location, the support of a public school for a term not less than three months in each year, the employment of a teacher, and the terms, and such other matters as are pertinent to the objects and welfare of a common school. Proceeding at such meetings.

SEC. 144. If a majority present are in favor of supporting a school, and of building or adopting a school house, the district clerk shall copy their decision on those points.

from the proceeding by him entered on his book, and deliver the same to the township clerk, who shall enter the same of record.

SEC. 145. If the majority decide that they will build or adopt a school house, or employ a teacher, the district trustees shall make such contracts, and give such personal superintendence as may be necessary to effectuate such decision.

Enumeration and list of taxable property.

SEC. 146. If such meeting decide to build or adopt a school house and support a school as aforesaid, or if a school house shall have been built or adopted, and a decision had to support a school in such district; in either case the district trustees shall forthwith proceed to take an enumeration of all freeholders and householders of their district who are voters, and of all persons therein, under twenty-one years of age; and a list of the property subject to state or county taxes, with the valuation thereof, by them made, and annexed to the name of each owner.

Forfeiture, for what cause.

SEC. 147. If any inhabitant having such taxable property, and being called on by the person or persons authorized to make out such list and enumeration for that purpose, shall wilfully refuse or neglect to furnish a true statement in relation thereto, to such person or persons, he or she shall forfeit five dollars, to be recovered by action of debt, before a justice, for the use of the school therein.

Appointment by trustees.

SEC. 148. The district trustees may appoint any other person or persons to make such enumeration, and take such list of taxable property, which person or persons shall first, by the district clerk be sworn or affirmed, faithfully to discharge the duties of his or their appointment.

Duty of clerk.

SEC. 149. The district clerk shall enter such appointment and qualification in his book, and give a certificate to the person or persons appointed severally, before proceeding to discharge their duties.

Annual enumeration, &c.

SEC. 150. Such enumeration and list shall be taken annually thereafter, in the same manner, unless a different decision is had at a district meeting.

Meeting of persons whose property is listed; their proceedings.

SEC. 151. After such list and enumeration is taken, a meeting shall be had of the persons of whose property a list has been so taken, who shall decide (if a school house is to be built) what tax shall be assessed, on what property, the proportion to each, and who, (if any) shall be exempt from such tax or any part thereof, and whether the same shall be paid in work or materials on such school house; or in money, and what proportion of each, and in fixing the proportion of each person, may take into consideration the number of each person's children to be educated, and other equitable circumstances.

SEC. 152. Every able bodied male person, being a freeholder or householder of such district, of the age of twenty-one years or upwards, shall be liable to work two days on such school house, and so much tax in labour, materials and money, shall be assessed, as by computation, will in addition to such labour, finish the school house.

Who shall work on school house.

SEC. 153. Any person liable to any tax, in labour, materials or money, failing by himself or substitute, after two week's notice, to perform said labour, at such times and with such tools or utensils in his possession, or to pay to the district clerk such money, or to deliver such materials, and at such times, as the district trustees shall direct, subject to the regulations of such meetings, if made, shall be liable to pay to the district trustees in their official capacity on suit by them brought before a justice, fifty cents for each day's labour neglected to be done, the value of any materials neglected to be delivered, and the amount of money assessed and neglected to be paid as aforesaid.

Liability for failing to work, &c.

SEC. 154. Such tax list or a copy thereof, certified by the district clerk, shall be *prima facie* evidence, that the tax therein annexed to each person's name, is due from such person.

Evidence.

SEC. 155. The district trustees may transfer any such judgment for labour, materials or money, necessary for the school house, or they may coerce the same by execution.

Judgment may be transferred.

SEC. 156. But every such delinquent may discharge such judgment previous to its transfer, or any sale under execution thereon, by furnishing by himself or substitute, the amount of the debt or damages thereof in such labour or materials (to be estimated by the district trustees) as in the opinion of such trustees are wanted about such building, which they shall be bound to receive, if so wanted, and by paying all costs.

Judgment, how discharged.

SEC. 157. Taxes may be assessed and collected as aforesaid in any subsequent year after such school house is built, and all expenses thereon paid, unless the district meeting should otherwise direct, and may be appropriated to the support of the school, by the district trustees, subject to the direction of such meeting.

Taxes, when and for what purpose to be assessed.

SEC. 158. But after such school house is built, and the expenses thereof paid, no person shall be liable to have his property listed, nor to pay such taxes, (unless he intends to or does participate in the benefit of the school fund) but shall be allowed to send to such school, free from any other tax than his just proportion of the necessary labour, materials, or money wanting from time to time, to rebuild the school house or keep it in repair, he fulfilling his own contract with the teacher for tuition, fuel and contingencies, as in other cases.

Who shall be exempt from the payment of taxes, after the school house is erected.

Annual amount of tax.

SEC. 159. No district meeting shall direct a larger tax, except the tax for building, re-building or repairing their school house, as aforesaid, than will make any person liable for more in one year than one fourth *per centum* on the value of his property listed.

Receipt for taxes.

SEC. 160. On any person making payment of his tax, whether in work, materials, or money, separately or together, as required by this act, the person receiving the same shall give a receipt in full to the person paying.

Trustees shall keep list of inhabitants, quantity of land & number of children.

SEC. 161. The district trustees shall keep a list by name entered of record, of all the inhabitants of the district entitled to vote at the meetings thereof, with the quantity of land held by each, and the number of children under twenty-one years of age, annexed to the name of each person in whose family they reside, distinguishing them into three classes; that is, those under the age of five years, those under fourteen years and not under five, and those under twenty-one years, and not under fourteen years of age, which lists shall be corrected from time to time, and a copy thereof sent to the township clerk every second Monday of November.

Clerk shall give copy.

SEC. 162. The township clerk shall give a certified copy of the names of the voters on such list to any person asking the same, on the tender to him of twelve and a half cents.

Trustees to be exempt from military duty.

SEC. 163. Every district trustee shall, while in office, be exempted from the performance of military duty, except in such cases in which township trustees are not exempted from such duty, under this act.

Books, &c., how paid for.

SEC. 164. The district clerk, and district treasurer, shall be allowed by the district meeting, out of the school or other funds, allotted to or belonging to such district, any moneys by them paid for the books required by this act, and necessary stationary.

Further compensation to trustees.

SEC. 165. The district meeting may make such other compensation to each or either of the district trustees, either by exemption from tax in labour, materials or money, or otherwise, as they may think proper.

Removal from office of trustees, how made and vacancies how filled.

SEC. 166. All or any of the district trustees shall be removable from office by a majority of the householders and freeholders, who are voters of the district, at any of their meetings, and any vacancy or vacancies thereby occasioned, shall be filled at the same meeting by a majority of votes; and any five such voters who are householders or freeholders, may advertise such a meeting, by posting up under their names, ten days previous notice in such district.

District treasurer, his oath and bond.

SEC. 167. The district trustees shall appoint one of their body as district treasurer, annually, who before entering on the duties of his office, shall take an oath or af-

firmation, faithfully to discharge the same (which may be administered by the clerk of the township trustees, or by a justice,) and shall also give bond payable to the state of Indiana, in such penalty and with such security as said clerk may approve, taking into consideration the trust of such office, and for delivering over to his successor, all moneys, property, books and papers in his hands as such treasurer, at the expiration of his term of office.

SEC. 168. Said bond shall be filed away and safely kept by the township clerk, who shall also record the same in his book, a copy of which certified by the clerk, shall be *prima facie* evidence of the original, without its production; and suit may be brought on such bond, or copy, for the use of the district for school purposes, for any breach of the same. Record of bond, and suit on it.

SEC. 169. The district treasurer shall serve as such until the expiration of his office as district trustee, and until his successor is qualified. Term of office.

SEC. 170. Any vacancy in the office of district treasurer, shall be filled by the district trustees from their own body subject to the above provisions. Vacancy.

SEC. 171. The district treasurer shall demand, receive and safely keep the moneys and personal property belonging to his district, whether arising from taxes, school funds, or otherwise, and appropriate the same as required by law, keeping a regular account of all receipts and expenditures. Treasurer's duty.

SEC. 172. No person shall be employed as a teacher in a district school, unless he shall sustain a satisfactory examination before the district trustees, touching his ability to teach reading, writing, and arithmetic. Examination of teachers.

SEC. 173. After the school house is finished and repaired, the district trustees shall proceed, (if their district meeting has so decided) to employ a teacher for at least three months, on the most advantageous terms, taking his ability into consideration, contracting to make payment at such time, in money, or such articles as will best comport with the interest of their district, and as will accord with the decision and rules of the district meeting, if any shall have been made. Employment of teacher.

SEC. 174. Every teacher shall keep a daily entry of every person entitled to a distributive share of the school fund, sending to such school, annexing to his or her name the number of pupils by him or her sent each day during the year next preceeding the day of distribution of such fund by the township treasurer, with the sum total accurately calculated at the foot thereof. Teacher's duty.

SEC. 175. Such lists or accounts of pupils sent to school, shall be laid before the treasurer of the school township, before the day fixed for distribution of funds, verified, who Township treasurer's duty.

shall calculate the aggregate amount or number contained in every list presented, counting each pupil's attendance for each day as one.

SEC. 176. The township treasurer shall thereupon pay over to each district treasurer, presenting such list or account, so much of such school funds in his hands for distribution among the inhabitants of his township, as the aggregate calculation of his list or account bears direct proportion to the aggregate calculation of all the lists or accounts so presented, taking a receipt therefor.

SEC. 177. Said treasurer shall record such receipt in his book, and file away the same in his office.

District treasurer's duty.

SEC. 178. The district treasurer shall be ready within three days thereafter to distribute the funds by him so received, as well as any other district school funds in his hands, to each inhabitant of his district, in due proportion to such aggregate calculation of the number of pupils, and days, sent to school by him or her as aforesaid, taking receipts therefor, which he shall carefully file in his office.

SEC. 179. But the district treasurer shall within the said time, pay over said funds so received, to the teacher, taking his receipt therefor, to be applied in due proportion to the discharge of the debt due for tuition from each person entitled to the benefit of such funds, if a contract to that effect shall have been made by such teacher with the inhabitants or with the district trustees: *Provided*, that no more shall be paid to such teacher than the whole amount due to him for his services.

Proviso.

District trustees may contract with teacher to pay him a gross sum.

SEC. 180. The district trustees, in the absence of any directions of the district meeting, may contract with the teacher, that the inhabitants sending to his school, shall pay a gross sum per month, per quarter or per year.

Proportion to be paid by each inhabitant.

SEC. 181. And in either such case, the amount that he shall be entitled to, against any inhabitant, shall be in the same proportion to the aggregate so stipulated to be paid to him, that the aggregate tuition imparted to the pupil or pupils sent by him, bears to the aggregate tuition of all the pupils sent during the same time to such school, such aggregate being computed as before mentioned.

Further stipulation with the teacher.

SEC. 182. Or the district trustees may in the absence of instructions as aforesaid, stipulate with the teacher, that each inhabitant shall make his or her own contract, and pay the amount by him or her subscribed to such teacher.

Each inhabitant's share of funds.

SEC. 183. But in either and all such cases, each inhabitant shall be entitled to his share of the school funds, adjusted as aforesaid.

Distribution of funds how made.

SEC. 184. No part of the school funds or rents, belonging to any township, shall be distributed by the trustees

thereof, or their clerk, to any school district of the township, unless the district treasurer shall first make an oath or affirmation to the treasurer of the township trustees, (by whom or some justice the same may be administered) that the inhabitants of said district have a school house therein of convenient size, with sufficient lights, and that it is so furnished and repaired, as to render the teacher and pupils comfortable therein.

SEC. 185. Nor shall any part of said funds be so distributed, unless the teacher shall first make oath or affirmation (to be administered by such treasurer or a justice of the peace) that he has taught a school in such house for at least three months of the year, next preceding the time fixed for such distribution, open to all the inhabitants of such district choosing to avail themselves thereof, and that a statement by him thereto annexed of the number of pupils sent to such school, for each day during that time, and by whom, is true and correct; but any inhabitants of such township who send pupils to any incorporated school therein, shall be considered as forming a school district thereof, and as such be entitled to draw their proportion of the school fund of such township.

Teacher to make oath.

SEC. 186. The teacher shall also produce a duplicate of such statement of pupils, and his oath or affirmation shall be endorsed thereon by the person administering the same and either duplicate shall be *prima facie* evidence of its contents.

Teacher to produce duplicates.

SEC. 187. The other duplicate, and the affidavit of the district trustee, shall by such clerk be filed away, and safely kept in his office, as his authority for paying over the portion of funds destined for the district.

Duplicate &c. to be filed.

SEC. 188. Any inhabitant whose dwelling is separated from the district school house by a stream, which in the opinion of the township trustee, would render it impracticable or extremely inconvenient for pupils to cross the same, for the purpose of going to such school, shall have the privilege, on the certificate of the said trustees of such their opinion, of sending any pupil or pupils of his family to any other school.

Privilege to persons where dwellings are separated by a stream from the district school.

SEC. 189. The teacher of such other school shall keep a daily entry of the number of pupils by such inhabitant sent for each day during the year next preceding the distribution of funds by the township treasurer to such school, with the sum total accurately calculated at the foot thereof, which with a duplicate shall be verified before the treasurer of the township in which such inhabitant resides, or before a justice.

Further duty of teachers.

SEC. 190. Said duplicates shall be *prima facie* evidence of their contents, and shall be disposed of as the duplicates before mentioned.

Duplicates to be evidence.

SEC. 191. Such aggregate shall be added to the aggregate

Such person

shall be entitled to his proportion of the fund. gate of the tuition of the pupils of the district in which such inhabitant resides for final distribution of school funds, and he shall thereupon be entitled to his just proportion of the share thereof, which shall be drawn for such district, and the person drawing the same from such treasurer, shall pay the same over.

Shall not be liable to labor, &c.

SEC. 192. But such inhabitants shall not be liable to perform any labour, or to deliver any materials, or to pay any other tax to which the other inhabitants of his district are liable, as voted by them in their district meeting aforesaid, unless he intends to draw his proportion of such school fund as aforesaid.

School districts, &c. may acquire land for school house, &c.

SEC. 193. Any school district or congressional township may acquire a piece of land by devise or gift, or by sale and conveyance, pursuant to a vote of the district meeting for a school house or other school purposes, which land in either case shall inure to the sole benefit of all, while inhabitants of such township or district (as the same may be changed from time to time as the case may be) forever.

Form of deed.

SEC. 194. Any such deed of conveyance by gift or sale, may be substantially as follows:

"Whereas, the inhabitants of congressional township No. —, (here describe the township,) or the inhabitants of school district No. —, (here describe the district,) as the case may be, are in want of a piece of land on which to erect a school house, or for school purposes, as the case may be, — Now, therefore, know ye, that I, A. B., in consideration of the premises, (in case of a gift,) or in consideration of the premises and of — dollars, to me in hand paid, the receipt of which is acknowledged, (in case of a sale,) for myself and my heirs forever, have given and granted, and do hereby give and grant unto all persons while inhabitants of such township or district, (as the case may be,) the following parcel of land, (here describe it,) to their exclusive benefit, use, and behoof forever.

A. B. [seal.]"

Acknowledgment and record.

SEC. 195. Every such deed shall be acknowledged as in other cases, and the recorder of the county in which the land conveyed is situate shall, on presentation in its turn, record the same for the fee of twelve and a half cents.

Such land may be sold, in case of township by com'r.

SEC. 196. Any congressional township may by vote decide that any parcel of land conveyed to its inhabitants as aforesaid, shall be sold, in which the commissioner shall sell and convey the same, as in case of other unsold school lands, except that such parcel of land shall be sold for cash in hand, and the proceeds of such sale shall form a part of the school funds of the township.

In case of district by the clerk thereof.

SEC. 197. And any district meeting may decide that any parcel conveyed to its inhabitants as aforesaid, shall be sold, and may prescribe the terms and manner of such sale, in

which case the district clerk shall sell the same pursuant to the decision, and make a conveyance thereof under his hand and seal, in the name of the inhabitants of such district, which shall vest the interest of such district in the land in the purchaser thereof, his heirs and assigns forever.

SEC. 198. Any conveyance or devise heretofore made of any real or personal property to any township trustees or to the trustees of any school district, to or for the benefit or use of the inhabitants of such township or district, (as the case may be) for school purposes, is hereby legalized, and such property shall inure to the sole use and benefit of the inhabitants of such district or township, for such purposes forever.

Conveyances heretofore made, legalized.

SEC. 199. Donations or devises of personal property being made to any school district, such property shall be subject thereafter to the entire control of its meetings, under the provisions of this act.

Donations, &c. of personal property.

SEC. 200. The books, papers, and accounts of any district trustee or treasurer, township trustee or treasurer, and school commissioner, shall be subject to the inspection of the board doing county business, of such commissioner's county, three days notice thereof being given, by process issued by the clerk of such board, on the petition of five freeholders, or householders of the district, township, or county, as the case may be.

Books, &c. subject to the inspection of the county board.

SEC. 201. All sub-trustees now in office, are hereby made district trustees of their respective districts, and shall have all the powers and rights, and be subject to all the liabilities, duties, and penalties provided by this act, and shall continue in office until their successors are elected and qualified as provided herein.

Sub trustees now in office made district trustees.

SEC. 202. All trustees of congressional townships, and all school commissioners now in office, shall be governed by, and subject to the provisions prescribed by this act, to township trustees and school commissioners.

Present trustees, &c. made subject to this act.

SEC. 203. Five thousand copies of this act shall be printed and stitched in pamphlet form, with a strong paper cover, in addition to those printed and bound with the other general acts, the secretary of state appending a complete and explicit index thereto; and so many shall be distributed to each county in which there are lands reserved for the use of schools, at the time and manner in which the other laws of this session are to be distributed, as that each school commissioner, board of township trustees, and board of district trustees shall have one copy, the secretary of state retaining the extra copies for future distribution.

Five thousand additional copies of this act to be printed, &c.

SEC. 204. The clerk of each circuit court shall deliver the copies of this act by him received, to the school commissioner of his county, to be by him distributed from time to time as required by this act, keeping the residue in his office.

Clerks to deliver copies to school commissioner, his duty.

Repeal.

SEC. 205. The act entitled "an act incorporating congressional townships and providing for public schools therein," approved February 10th, 1831, is hereby repealed.

CHAPTER LXXI.

An Act for the encouragement of Education.

[APPROVED, FEBRUARY 2, 1833.]

Persons may be exempt from the performance of militia duty by the payment of one dollar annually to the school fund.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person subject to perform militia duty, (commissioned officers excepted,) shall henceforth be annually exempted from the fines which may be imposed on him by law, for each annual failure to perform such duty, except in case of war, invasion, insurrection, or in aid of the civil authorities, who shall pay for each such annual failure the sum of one dollar to the officer of his county who may have the legal charge of the seminary fund of such county for the use and benefit of said fund; or to the school commissioner of such county, at the option of the person paying the same; and the receipt of the said officer, or of the said school commissioner, as the case may be, for that sum, shall be a valid offset against, and release from, the fines imposed for each annual failure as aforesaid, and shall be presumptive evidence thereof: *Provided,* that the same shall be paid on or before the first day of October in each year.

Proviso.

Money, where appropriated.

SEC. 2. Any such monies paid to such school commissioner, under the provisions of this act, shall be for the use and benefit of of the school fund, belonging to the congressional township in which the person paying the same resides.

Duty of the officer of the seminary fund and of the school commissioner.

SEC. 3. Such officer and such school commissioner shall keep a regular and detailed account of all and any payments made to them respectively, under the provisions of this act, specifying for what year, at what time, and by whom any such payment is made; and in the case of such school commissioner, in what congressional township, the person so paying to said commissioner resides at the time of such payment; and such officer and commissioner shall make report of the same in connection with, and whenever they are required by law to make a report of other funds in their hands.

Provisions of this act extended to the conscientious.

SEC. 4. All and singular, the rights, benefits, privileges, and provisions by this act secured and extended to persons subject to perform militia duty are hereby secured and extended to every person conscientiously scrupulous: *Provided,*

however, that every person conscientiously scrupulous, wishing to avail himself thereof, shall make the payment in the first section of this act mentioned, to the officer of his county having the legal charge of the seminary fund of such county.

CHAPTER LXXII.

An Act to quiet certain titles in Mount Vernon and for the benefit of Thomas Givens.

[APPROVED, FEBRUARY 2, 1833.]

Whereas, Jesse Y. Williams, Samuel Gill, Aaron Burlison, Preamble.

John Burlison, William Crabtree, and Thomas E. Caselbery, known and distinguished as the Mount Vernon Company, were possessed on the 10th April, 1822, of one hundred and eighty-five acres and ninety-one hundredths of an acre of land, being a moiety of fractional section number eight, township seven, of range thirteen, west of the second principal meridian; and on the said 10th day of April, 1822, did authorize Thomas Givens, as agent, to bargain and sell the said land, under the hands and seals of them, the said Jesse, Samuel, Aaron, John, William, and Thomas; which said written power, acknowledged and certified by a justice of the peace of Posey county, is duly recorded in the records of said county; and whereas the said Thomas Givens, in pursuance thereof, hath executed several deeds of conveyance, as such agent, to several persons for parts and portions of the land aforesaid, and executed the deeds in the name of Thomas Givens, without designating the names of the company or the style thereof to his execution of the deeds of the same; and whereas doubts have been entertained as to the legality of the same, and the said company having dispersed and dissolved—Therefore,

Be it enacted by the General Assembly of the State of Indiana, That all and singular, the deeds of Thomas Givens, as agent as above recited, made in pursuance of the authority aforesaid, and wherein a just and equitable title to the lands aforesaid were and are according to equity, demised for a *bona fide* consideration to the several purchasers thereof, shall be taken and deemed legal titles; and shall be so judged in courts of law, notwithstanding any omission of form or description of person or character in the said agent or principals for whom the same was executed.

CHAPTER LXXIII.

An Act to permit Jacob Studybaker and Thomas Thomas to keep their mills in operation on the Elkhart River.

[APPROVED, FEBRUARY 1, 1833.]

Dam not to obstruct navigation.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jacob Studybaker and Thomas Thomas of Elkhart county, be permitted to keep their mills in operation on Elkhart river, about two miles below Goshen, so long as the height of their dam does not impede or obstruct the navigation of said stream, and until the obstructions are removed at the broad ripple, where the road now crosses said stream, immediately below said dam, so that watercrafts can pass and repass the same.

Penalty.

SEC. 2. That if the dam should ever obstruct or injure the passage of any water-craft passing the same, the said Jacob Studybaker and Thomas Thomas, their heirs and assigns, shall be subject to the same pains and penalties of the law as persons are who obstruct the bed of any stream which has been reserved from sale by the United States; and also the said Studybaker and Thomas, their heirs or assigns shall be personally liable to each and every individual who may receive injury in consequence of said dam, and the said mills and the premises whereon they are or may be erected, shall be and remain subject to be sold for any such damages sustained, in whosoever possession the same may be found.

CHAPTER LXXIV.

An Act to amend the act entitled, "an act for the appointment of County Surveyors and their deputies," approved Feb. 4, 1831.

[APPROVED, FEBRUARY 2, 1833.]

County surveyors' duty.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the several county surveyors in this state, when they shall have procured the copy of the field notes of the lands in their respective counties, agreeably to the provisions of the act to which this is an amendment, to cause the same to be recorded in the recorder's office of the proper county, and retain the said copy in his own office.

Duty of recorders.

SEC. 2. That where the field notes aforesaid have heretofore been procured and deposited in the recorder's office in any county in this state, it shall be the duty of the recorder

of every such county to record the said copy and return the same to the county surveyor.

SEC. 3. It shall be the duty of each county surveyor in this state to retain the said copy of field notes of the lands in his respective county, and deliver the same, together with the record book of the field notes of the corners by him relocated and perpetuated under the provisions of the sixth section of the act to which this is an amendment, to his successor in office.

Further duty of surveyors.

SEC. 4. Whenever any person heretofore appointed, or who may hereafter be appointed to the office of county surveyor, and shall have held the same three years, such office shall become vacant and expire, and whenever such office shall thus expire, become vacant by death, resignation, or otherwise, the circuit court of the county where such vacancy may happen, shall appoint a person well qualified to discharge the duties of such office, who shall hold such appointment for three years, and until his successor is appointed and qualified.

Term of office three years, and vacancies filled by circuit court.

SEC. 5. The two associate judges in vacation, if it should become necessary, may fill any vacancy that may occur in the office of county surveyor of the proper county, by death, resignation, or removal from the county, until the next regular session of the circuit court, and the court at any regular session may make an appointment to such office, for three years in anticipation of a vacancy that will happen by the expiration of the term before the next session of the court, but such appointment shall not take effect, until the predecessor shall have served the full term of three years.

Associate judges may fill vacancies, in vacation, until next term, &c.

Court may make appointments in anticipation of vacancies.

SEC. 6. That if it shall be made to appear to the circuit court, that any county surveyor is incapable of performing all and singular the duties enjoined on him by law, or that he has neglected or refused to do and perform any official act he may be required to perform, unless prevented by unavoidable accident, the court shall dismiss such county surveyor from office, and forthwith appoint a successor to fill such vacancy.

Removal from office, for what cause.

SEC. 7. That if any person wishing to have a county surveyor removed from office, shall file in the office of the clerk of the circuit court of the proper county, at least thirty days before the sitting of such court, a petition setting forth the cause of complaint, whether it relates to incapacity, misconduct in office, or neglect of duty; and the clerk shall forthwith make out a certified copy of such petition, and also a summons directed to the sheriff, requiring him, within ten days thereafter, to notify such surveyor, either by reading such summons to him or leaving a certified copy thereof at his last place of residence, to appear at the next circuit court, on the first day of the term, to answer

Petition for removal.

Clerks' and sheriffs' duty.

said complaint; and the sheriff shall at the same time leave with such surveyor at his residence, or deliver to him in person, a copy of said petition, and it shall be competent for said court, on the first day of the term, or as soon thereafter as the parties may be ready, to hear such complaint, the answer thereto, the proof in support thereof, and decree as may seem just and proper.

Judgment for costs.

SEC. 8. That the court before whom such complaint may be tried, shall render judgment for costs against such petitioner, if the respondent shall be acquitted, and against the respondent if he shall be found guilty.

Books, &c. to be delivered to the person appointed.

SEC. 9. That it shall and may be lawful for any surveyor, who shall be appointed under the provisions of this act, to ask, demand, and receive from his predecessor any book or books relating to said office, in which it is by law made the duty of such surveyor to keep, and all records, field notes, and other papers appertaining to said office; and whenever such office shall become vacant, either by death, resignation, or otherwise, it shall be the duty of any person or persons having the possession of such books and records, field notes, or other papers pertaining to such office, to hand the same over on demand, to such successor in office.

CHAPTER LXXV.

An Act to amend the act entitled, "an act regulating the jurisdiction and duties of Justices of the Peace," approved Feb. 10. 1831.

[APPROVED, FEBRUARY 2, 1833.]

Civil causes under twenty dollars may be tried by a jury of six men.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That in any civil cause to be tried before a justice of the peace, where the sum does not exceed twenty dollars, at the request of either party, the justice shall direct the constable to summon and cause to come before him six citizens of the proper county, having the qualifications of jurors, who shall be empanelled to try such cause, and shall have the same oath or affirmation administered to them as to other jurors; and the justice shall enter a judgment upon their verdict as in other cases.

Right of challenge.

SEC. 2. Where jurors are empanelled to try cases before justices of the peace, the parties shall have the same rights of challenge, peremptory or for cause, as is provided in civil cases tried before the circuit court.

SEC. 3. That the second and eleventh sections of the act entitled, "an act to amend the act regulating the jurisdic-

tion and duties of justices of the peace," approved February 3, 1832, be, and the same are hereby repealed.

SEC. 4. That justices of the peace shall have the same jurisdiction, in all cases where executors, administrators, or guardians are plaintiffs, that they might of right exercise if such executors, administrators, or guardians were suing in their own right: *Provided, however,* that where any defendant or defendants, shall plead any matter of payment, set-off, or other special matter in bar to such executor's, administrator's, or guardian's cause of action, it shall be lawful for the plaintiff, after such plea of payment, set-off, or other special matter shall have been filed, to require the justice of the peace to certify all the proceedings to the proper probate court, where such plaintiff received authority to sue in such representative capacity; and on filing an affidavit for that purpose, may require the said defendant to enter into special bail to appear before said probate court, on the first day of the term next succeeding, if fifteen days shall intervene, but if not, then at the next term thereafter, to answer to said suit, and that if judgment be given against him therein, that he will pay the condemnation money and costs, or render his body in execution therefor, or in default thereof, his security will do the same for him; which recognition of special bail shall have the same force and effect in said probate court as is provided in the act to which this is an amendment, any law or usage to the contrary notwithstanding.

Jurisdiction in cases of executors, &c.

Proviso:

Justice shall certify proceedings to probate court

CHAPTER LXXVI.

An Act to authorize the Vigo Circuit Court to change the venue in a certain case therein named.

[APPROVED, FEBRUARY 4, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit court of the county of Vigo be, and the same is hereby authorized and required to change the venue in a certain case, now pending and undetermined in said court, wherein the state of Indiana is plaintiff and George W. Dewees is defendant, on an indictment, to either the circuit court of Parke county or the circuit court of Vermillion county, at the election of the said defendant: *Provided,* that application be personally made by said George W. Dewees to the circuit court of Vigo county, at the next May term thereof, for said change, and not otherwise.

SEC. 2. On such change of venue being taken, the circuit court of the county to which the same is taken shall have the

Jurisdiction.

same jurisdiction to try said cause as if the supposed offence, in said indictment mentioned, had been committed by the said defendant in the county to which the said change of venue may be taken, and also full power and authority to summon and recognize witnesses, and to do and perform all other things proper and necessary for the trial of said cause.

Clerk's duty.

SEC. 3. The papers in said cause shall be forwarded by the clerk of the Vigo circuit court, to the clerk of the circuit court to which such change of venue may be taken, after the same shall be taken, in the same manner and under the same regulations as are prescribed in the act entitled, "an act prescribing the mode of changing the venue," approved January 28th, 1824.

This act to be deemed a public act, and to be in force from and after its passage.

CHAPTER LXXVII.

An Act to legalize the appraisalment and sale of a part of the South East quarter of Section Sixteen, Town Twelve, of Range Six East, in Shelby county.

[APPROVED, FEBRUARY 2, 1833.]

Preamble.

WHEREAS, A majority of the trustees of [the] sixteenth section, in township twelve, north of range six east, in Shelby county, after the school commissioner of said county failed to sell a fractional part of the south east quarter of such section, at public vendue, reduced the first valuation placed upon such fractional part, from three dollars and fifty cents per acre, to two dollars and fifty cents per acre; and which the school commissioner after such reduction, sold the same at vendue, to one Robert Kennedy, for two dollars and eighty-three cents per acre; and whereas doubts have arisen as to the legality of such sale, therefore,

Be it enacted by the General Assembly of the State of Indiana, That the second appraisalment and sale of a fractional part of the south east quarter of section sixteen, township twelve, north of range six east, by the school commissioner of Shelby county, to Robert Kennedy, be, and the same is hereby legalized and made valid.

CHAPTER LXXVIII.

An Act to amend an act entitled "an act to incorporate the town of Madison," approved, February 6, 1831.

[APPROVED, FEBRUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter, each and every person who shall be a member of any legally and regularly organized fire company in the town of Madison, shall for the time being, be exempt from militia duty in time of peace: *Provided,* that in no case, shall any fire company, organized as aforesaid, exceed fifty in number; and that the benefits of this section shall only be extended to such fire companies as have fire engines.

Members of fire companies exempt from militia duty
Proviso.

SEC. 2. That whenever hereafter, on the application of two thirds of the owners and representatives of property on any street in the town of Madison, any grade or improvement shall have been established, the same shall remain unalterable, unless on application of at least three fourths of such owners or their representatives, in which case the trustees of the town of Madison aforesaid, may change the same.

Grade, &c.

SEC. 3. That whenever hereafter it may appear to the trustees of said town of Madison, to be expedient and for the public benefit to loan or borrow money to make improvements therein, it shall be lawful for said board of trustees, to negotiate and contract such loan.

May borrow money.

SEC. 4. That power is hereby conferred on and vested in said board of trustees of the said town of Madison, to pass and enforce all such ordinances as may be necessary to carry into effect any and all of the powers in such board of trustees vested by this act, or by the act to which it is an amendment.

Power vested in trustees.

SEC. 5. That it is hereby made the duty of the several justices of the peace resident within the said town of Madison, to have and maintain jurisdiction under, and to enforce, all by-laws and ordinances of the board of trustees of said town made for the suppression of drunkenness, riots, routs, and trivial breaches of the peace; for which said justice and the constable or marshal [shall] be authorized to charge and receive the same fees as are allowed by law for similar services in other cases.

Justices of the peace, their duty.

CHAPTER LXXIX.

An Act to amend an act entitled, "an act regulating the practice in Suits at law," approved, January 29, 1831.

[APPROVED, FEBRUARY 4, 1833.]

The 64th sec. of the practice act of 1831 limited in its construction.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the sixty-fourth section of the act to which this is an amendment, shall not be construed to extend to any criminal prosecution, nor to any civil cause, in which the decision and opinion (if any) of the supreme court, shall have been deposited in the clerk's office of the circuit court, which rendered the judgment or decree, on which the decision of the supreme court is founded, sixty days before the first day of the ensuing term of said circuit court, subsequent to [the] rendering of such decision by the supreme court.

Decree of a foreign court.

SEC. 2. That hereafter, money due by a final decree of a court of equity, without this state, may be recovered in an action of debt.

Land office certificates evidence of legal title.

SEC. 3. That any and every land office certificate of purchase, and any and every land office receipt of final payment, of any lands sold at such land office, shall, before the issuing of a patent thereon, be evidence that the legal title in and to the lands mentioned in the same, is in the legal and *bona fide* holder thereof, the same being unforfeited and in full force and validity.

Declarations on bills or promissory notes, unnecessary.

SEC. 4. That in all actions at law, for the recovery of a specific sum of money upon bills or promissory notes, it shall not be necessary for the plaintiff in such suit, to file any formal declaration, but the filing of such notes in the clerk's office, shall be a sufficient foundation to such suits, upon which process shall issue, and the defendant or defendants thereto, shall be allowed to plead thereto any defence, which he or they by law, may be entitled to, against the cause of action contained in such promissory notes, as though the same were declared upon; to which the plaintiff shall reply, and the defendant rejoin, until an issue or issues are made up, as in other cases.

In appeals parties may amend on payment of costs, &c.

SEC. 5. In all actions appealed from the judgment of a justice of the peace, to the circuit court, it shall be lawful for the circuit court to permit the plaintiff to amend his cause of action, without changing the form of action, upon the payment of all costs that may have accrued up to the time of amendment, or by securing the same to be paid, by confessing judgment for the amount, and replevying the same, but no such judgment shall carry a docket fee: *And provided further*, that such amendment shall entitle the de-

Proviso.

fendant to an amendment of his defence, and continuance of such cause, if he requires it; and the defendant in such appeals, may in like manner be entitled to amend his defence under the same terms as is provided for plaintiffs amending their cause of action.

SEC. 6. In all actions of ejectment, and in all actions brought in the name of the state, on the relation of, or for the use of any person or persons, body corporate or politic, and in all actions brought in favor of a nominal plaintiff or plaintiffs, to or for the use or benefit of one or more persons, or of a body politic or corporate (such fact appearing on the record) should a final judgment be rendered therein in favor of such defendant or defendants, in lieu of the order and writ of attachment for costs, heretofore allowed in such cases, in favour of such defendant or defendants; he, she or they, at his, her, or their option may take a judgment for costs against such lessor or lessors, relator or relators, person or persons, for whose use or benefit such action may be brought (as the case may be) and execution may thereon issue as in other cases.

In actions of ejectment, &c. where judgment is for defendant, he may take judgment for costs against the lessor &c. in lieu of the order & writ of attachment, as heretofore.

SEC. 7. On the trial of all indictments, a defendant shall be allowed to plead the general issue, and give in evidence any and every matter of defence; and the foreman of grand juries shall be competent to swear all witnesses, that may come before the grand jury to give evidence.

Evidence under the general issue in indictments.

SEC. 8. That it shall be lawful for the successor or successors in office, of any sheriff or other officer who may have heretofore taken, or who may hereafter take any bond from the plaintiff, in virtue of the fifth section of the act entitled "an act regulating the action of replevin," approved, January 20, 1831, to assign such bond to the defendant, if the officer taking the same, shall have died, resigned, been removed, or his term of service expired, without having made such assignment.

Sheriff, &c. authorized to assign to defendant, bonds taken by predecessors under the 5th section of replevin act of 1831.

SEC. 9. If any executor or administrator has reason to believe, that any demand whatever, exhibited to him for payment, is untrue, or that the same has been paid, or that he will be endangered by making payment thereof without judicial proof, or of being made liable to answer the amount thereof out of his own estate, to the creditors, heirs or legatees, of his testator's or intestate's estate, he may require of the holder or holders of any and all such demands, to file such claim, or a succinct statement thereof, in the probate court of the county, in which the executor or administrator took out the letters testamentary or letters of administration, and allege the non-payment or non-performance thereof; and if such executor or administrator will enter his appearance thereto as a defendant and plead to the same, proof of and concerning the matter

Executors &c. may require demands to be proved before the probate court.

Manner of such proof.

in question shall be taken by deposition, on reasonable notice of time and place, or *viva voce* before the courts, as the court may direct or the parties agree; and if such executor or administrator demand, and such claimant shall answer on oath, and make discovery of and concerning his claim; and the court upon their hearing of such claim upon the merits concerning the same, shall pass such decree as shall be just, according to equity and the law of the land; and sundry claims of the description above mentioned may be included in one proceeding against such executor or administrator, and sundry decrees passed thereon; and such decrees and orders concerning costs in such proceedings, may be passed by such courts, as are just, according to the usages of courts of equity; and from any final decree, appeal or error, shall lie to the circuit or supreme court as in other cases, and decrees passed upon such proceedings, shall, if had with good faith, and without fraud, be conclusive evidence in favour of any executor or administrator, in any suit brought against him, upon questions respecting the assets of his testation or intestates, arising therein.

SEC. 10. Nothing in an act entitled "an act to organize probate courts and defining the powers and duties of executors, administrators and guardians," approved, February 10, 1831, shall be so construed as to deprive the circuit courts of original jurisdiction, in cases where executors, administrators or guardians are parties, in cases at law and in equity, not expressly vested in some other tribunal. The several probate courts are hereby vested with the same power and jurisdiction, in the partition of estates and assignment of dower, that now belongs to the several circuit courts, to be exercised in the same way and under the same laws and restrictions that govern the circuit courts; and that concurrent power and jurisdiction is hereby vested in the several probate courts, and to be exercised in the same way, and under the same restrictions, that is confided to the circuit courts, in the fifty-seventh section of the act to which this is an amendment.

SEC. 11. Whenever a challenge to the array of a traverse jury, shall be sustained, either by reason of the interest, relationship, or bias of the officer summoning the same or otherwise, an elisor to be appointed by the court, or the coroner (as the case may be) shall, under the direction of the court, summon another jury from among the bystanders, for the trial of the cause in which such challenge was sustained: *Provided*, that if the cause of such challenge come to the knowledge of such court, in any other manner, such court may, in its discretion, order such other jury to be summoned as aforesaid.

SEC. 12. Collector's certificates of sales of lands for

Duty of court

Appeal, &c.

Jurisdiction of circuit court in matters of probate.

Jurisdiction of probate court in partition and dower.

Concurrent jurisdiction to probate courts.

Challenge to the array being sustained, another jury may be summoned from among the bystanders.

Proviso.

taxes given to a decedent in his lifetime, may be sold and transferred in the same manner, that written contracts made to a decedent in his life time, may be sold and transferred, by the twentieth section of the act entitled, "an act to organize probate courts, and defining the powers and duties of executors, administrators and guardians," approved, February 10, 1831.

SEC. 13. Whenever, from the prevalence of disease at any place, where any court is by law appointed to be held, it shall be deemed dangerous or impracticable to hold such court at the time required by law, it shall be lawful for such court to meet at any time during such time required by law, and adjourn the same to a day not exceeding three months from the time of adjournment, if deemed expedient to hold such court before the next regular term thereof.

SEC. 14. The clerk of said court shall forthwith cause to be published in some newspaper nearest to such court, such order of adjournment, with the time and place of such special session, and post up a similar notice at the court house door, and clerk's office of the county in which such court is held.

SEC. 15. The effect and operation of any such special adjournment, shall in relation to the duties of all officers, grand jurors, petit jurors, suitors, witnesses, persons recognized, and others, and to the operation of all proceedings, both civil and criminal therein pending, be the same as though the court had adjourned to the court in course; and as to all such duties and operation, the session fixed by such special adjournment, shall be regarded as a regular session.

SEC. 16. Whenever, from the prevalence of disease, sickness, or unavoidable accident, any court shall not be holden at its regular term, from the necessary absence of a judge or judges thereof, no suit or proceeding therein pending, shall for that cause be discontinued, but the duties of parties thereto, their witnesses and all others concerned, shall be the same, as though such suit or proceeding had been regularly continued.

SEC. 17. In all applications for the continuance of any cause, in any circuit court, for the absence of a material witness, it shall be necessary for the party making the same to state in the affidavit presented to the court for such object, the substance, or principal facts expected to be proved by such absent witness, in order that the court may judge of such materiality.

Collector's certificates to decedents, transferable, &c.

Power in courts to adjourn.

Clerk's duty.

Special adjournment, effect of.

Suits &c. shall not be discontinued in consequence of the court failing to sit at the regular term.

Affidavit for continuance must state the facts expected to be proved.

CHAPTER LXXX.

An Act supplemental to "an act for the regulation of the State Prison," approved, February 10, 1831.

[APPROVED, FEBRUARY 2, 1833.]

J. K. Graham com'r. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John K. Graham, of Floyd county, be, and he is hereby appointed a commissioner on the part of this state, to advise, superintend, and direct the improvements, required by the 15th section of the act, to which this is a supplement.

Agent to exchange ground. SEC. 2. Said agent is hereby authorized and required to negotiate with the owner of the land contiguous to the state prison, an exchange of one half acre of ground, west of said prison, for one half acre north of the same, for the use of said prison: *Provided*, it can be done on terms advantageous to the state.

Deed to be recorded and original filed in the office of sec'y of state SEC. 3. Should such exchange be effected, it shall be the duty of the said agent to receive from the owner, a deed regularly executed and recorded, the original of which he shall transmit to the office of the secretary of state, to be filed in his office, and to execute in behalf of the state a deed of conveyance for the land so given by the state in exchange.

Improvements to be made. SEC. 4. In the event of such exchange being made, said commissioner shall be authorized to cause the present wall to be extended so as to include an acre of ground, in lieu of the half acre now included; and also to authorize the erection of such cells, dormitories, workshops, and other improvements, as he shall deem suitable and necessary to carry into effect the object of the legislature, as expressed in the fifteenth section of the act to which this is a supplement.

Number and dimensions of cells. SEC. 5. The whole number of cells erected, including those already built, shall not be less than one hundred. Each cell shall be not less than six feet six inches in length, and not less than four feet wide, and shall have suitable grates at either end, to admit of free ventilation.

Payment out of state treasury on certificate of commissioner. SEC. 6. Said commissioner shall certify, under his hand, a detailed valuation of the materials and work actually used and performed, in carrying into effect the requisitions of this act, and the act to which this is a supplement, as the work progresses; not to exceed once in every ninety days; which certificate shall authorize the auditing, and payment by the treasurer of state, of the sums respectively annexed to said valuations: *Provided nevertheless*, that a greater amount than two thousand dollars, shall not be drawn

from the treasury in any one year, towards defraying the expenses contemplated by the act to which this is an amendment: And *provided also*, that the whole expenditure shall not exceed five thousand dollars: *Provided however*, the above restriction shall not extend to such unavoidable expenditures as may be necessary in erecting a wall around the ground by this act intended to be added to the prison yard.

Com'r's compensation, how paid. SEC. 7. Said commissioner shall be allowed two dollars for every day by him necessarily occupied in discharging the duties herein required, which shall be allowed and paid at the treasury, upon his certificate verified by affidavit before any person in the counties of Clark or Floyd, authorized to administer oaths.

Vacancy, how filled. SEC. 8. Should the commissioner herein named refuse to act, die or resign, it shall be the duty of the governor on being apprized of the fact by the superintendent of the state prison, to appoint some suitable person in the counties of Clark or Floyd, to discharge the duties aforesaid, who shall have the same powers, and be entitled to the same compensation, as the commissioner above named.

This act shall be in force from and after its passage.

CHAPTER LXXX.

An Act supplemental to "an act to provide for the erection of a State House,"

[APPROVED, FEBRUARY 2, 1833.]

Conditional contract to be confirmed. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the commissioners appointed by the act to which this is a supplement, be, and they are hereby authorized to confirm that part of the contract with Ithiel Town for the erection of a state house, which conditionally provides for finishing the "dome, cupola, upper part of the rotunda, zinc for the roof and cornice, stucco work, and finishing necessary for the colonade, and ornamental plastering of the halls, court room, and rotunda."

Indianapolis fund to be loaned. SEC. 2. That until the funds in the treasury derived from the sale of lands donated for the seat of government, shall be required to pay for the erection of the state house, it shall be the duty of the treasurer of state to loan out said funds, or so much thereof as will not be needed for the current expenses, on the same security as is required in loaning out the funds of the Indiana College, and the treasurer may provide in the same manner to enforce the payment of said

loans after they become due, as is provided for collecting the college funds.

At what interest.

SEC. 3. For all loans made under this act, the treasurer shall receive the highest legal interest that can be obtained, payable in advance, and the treasurer shall for his services herein, receive one per cent. on the amount so loaned.

Loan to the contractor, &c.

SEC. 4. That if the contractor for the state house, or any person under him engaged in furnishing materials for the state house shall deserve [desire] a loan of said funds, the same may be granted, to an amount not exceeding three fourths of the value of the materials to be by him furnished, on his giving indisputable personal security to comply with his contract, and procure a credit to the state to the amount of his loan and interest, at the same rate as is required in the third section of this act.

Report]

SEC. 5. The treasurer of state shall submit to the legislature during the first week of the session annually a full report of all his proceedings under this act.

Discretionary authority to the com'rs.

SEC. 6. That the commissioners appointed to superintend the erection of a state house, are hereby authorized, if they deem it expedient, to contract with Ithiel Town for raising the basement story of the state house any height, not exceeding two feet higher than is contemplated by the present contract.

Fund reserved from loan.

SEC. 7. That so much of said fund shall be reserved from loan as, by an estimate to be furnished to the treasurer by or on behalf of the contractor, shall be requisite for the expenditure of the current year; and in case of the insufficiency of the amount of said fund on hand at any time to meet the demands upon it arising during the erection of the state house, owing to the delinquency in payment of any loan thereof or otherwise, such inadequacy shall, for the time being, be paid out of the state treasury; which the auditor is hereby authorized to audit on the draft of the commissioners of the state house, and the treasurer to pay out of any monies therein not otherwise appropriated, and which shall be charged to said donation fund.

This act to be in force from and after its passage.

CHAPTER LXXXII.

An Act to amend the act entitled, "an act to incorporate the town of Terre Haute," approved January 26, 1832.

[APPROVED, FEBRUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State*

of Indiana, That the limits of the corporation of the town of Terre Haute, organized under the provisions of an act to which this is an amendment, shall hereafter be, and the same are hereby made co-extensive only with the recorded plat of said town, and one tier of out lots on the west side thereof: *Provided, however*, that said corporation shall have jurisdiction for a half mile in every direction from said town, for the purpose of removing nuisances. Corporation limits.

SEC. 2. That the president and trustees of said corporation shall have power and authority to levy and collect taxes annually on all real estate within the bounds of said corporation hereby limited, not exceeding one fourth of one per cent. on the estimated value thereof, exclusive of improvements thereon: *Provided*, so much shall be necessary to carry into effect the object of said incorporation, and not otherwise; but taxation shall be always regulated entirely by the pecuniary wants of said corporation, under the restrictions herein made: *And provided, also*, that improvements on real estate shall not be liable to taxation. Power to levy tax.

SEC. 3. Any law contravening the provisions of this act, be, and the same is hereby repealed. Repeal.

SEC. 4. The president and trustees of said incorporation, shall annually, in the month of January, publish in the Wabash Courier, a statement of the receipts and expenditures of the incorporation for the current year. Annual publication of receipts, &c.

This act to take effect and be in force from and after its publication in the Wabash Courier.

CHAPTER LXXXIII.

An Act for the relief of the heirs of Arthur Major.

[APPROVED, FEBRUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the estate and interest of the state of Indiana, in any lands situated in any county in said state, of which Arthur Major, late of Shelby county, deceased, died seized, acquired by the escheat of the same, is hereby released to and vested in such persons, being inhabitants of the United States, as would take the same by devise, descent, and in right of dower, if the said Arthur Major, and the persons hereby authorized to take, had been native citizens of this state. Escheated lands released.

SEC. 2. The persons taking under this act, shall take estates of the same nature and extent as they would have taken if they and the said Arthur Major had been native citizens of this state. Estates, of what nature, &c.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXIV.

An Act for the relief of Richard Palmer.

[APPROVED FEBRUARY 2, 1833.]

Preamble. Whereas, Richard Palmer was appointed collector of the state and county revenue, for the years one thousand eight hundred and twenty-eight and one thousand eight hundred and twenty-nine; and whereas, said Palmer indulged a number of the citizens of said county until the time expired in which he could collect according to law—Therefore,

May collect arrears of tax for 1828—'29. *Be it enacted by the General Assembly of the State of Indiana,* That Richard Palmer, collector of Daviess county for the years one thousand eight hundred and twenty-eight and one thousand eight hundred and twenty-nine, be, and he is hereby authorized to collect any arrears of taxes which may remain due and unpaid for either of the years aforesaid, in the same manner and under the laws then existing on the subject of collecting the revenue; and when so collected to apply the same to his own use: *Provided,* that nothing herein contained, shall be so construed as to give the said Palmer, collector as aforesaid, the benefits of a lien upon real estate when the same has been *bona fide* transferred since the year one thousand eight hundred and twenty-nine: *Provided,* also, that said collector shall not make sale and distress until thirty days have elapsed after a demand has been made of taxes due said collector.

Proviso. *Provided,* that nothing herein contained, shall be so construed as to give the said Palmer, collector as aforesaid, the benefits of a lien upon real estate when the same has been *bona fide* transferred since the year one thousand eight hundred and twenty-nine: *Provided,* also, that said collector shall not make sale and distress until thirty days have elapsed after a demand has been made of taxes due said collector.

Proviso.

This act to be in force from and after its passage.

CHAPTER LXXXV.

An Act to authorize Joseph Morgan, former collector of Pike, yet to collect any taxes remaining due and unpaid in said county, for the year or years for which said Morgan was collector.

[APPROVED, FEBRUARY 1, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That Joseph Morgan, former collector of Pike county, be, and he is hereby authorized to collect any state or county tax or taxes, for the year or years which he was collector,

that are yet remaining due and unpaid, under the same rules and regulations which he could have done during the time for which he was collector: and if he shall collect any tax or taxes for which he shall have obtained a credit, on account of delinquency, he is hereby required to pay such tax or taxes, for which he shall have so obtained a credit, into the state or county treasury, in the manner which it was his duty to have done during the time he was collector; and for any abuse of the authority herein given, he shall be liable to the same penalties which he would have been for a like abuse of power during the time he was collector.

CHAPTER LXXXVI.

An Act for the benefit of Mary Ann Hamilton.

[APPROVED, FEBRUARY 2, 1833.]

Preamble. Whereas, it has been represented to the present general assembly, [that] Mary Ann Hamilton, late Mary Ann Jordan of Madison county and state of Indiana, in the month of December, in the year one thousand eight hundred and thirty-one, intermarried with one William Hamilton, at the county aforesaid, who deserted her in three or four days after the said intermarriage without any cause, and left her without any means of support, with the declared intention of never returning to her again, and never has been heard of since—Therefore,

Be it enacted by the General Assembly of the State of Indiana, That the said Mary Ann Hamilton be, and she is hereby authorized to file her petition in the Madison circuit court, and make publication according to the laws now in force, and that she shall not be bound to make proof of two years' abandonment as required by the present law; and the circuit court, on hearing the proofs of said petition, should they show sufficient cause for a divorce, independent of the two years' abandonment, they are hereby authorized to decree a divorce in favour of the said Mary Ann Hamilton, dissolving the bands [of] matrimony between her and the said William Hamilton, any thing in the present law to the contrary notwithstanding.

This law to be in force from and after its passage.

Court may grant divorce without proof of two years' abandonment

CHAPTER LXXXVII.

An Act to amend the act entitled "an act to organize and regulate the Militia of the State of Indiana," approved Feb. 10, 1831.

[APPROVED, FEBRUARY 2, 1833.]

Annual bat-
talion muster
in the 27th re-
giment.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be in each and every year, at such time and place in October as the commandant of the twenty-seventh regiment may direct, a muster of each battalion in said regiment, at which every commissioned, non-commissioned officer, musician, and private of the battalion aforesaid shall attend, armed and equipped as the law directs.

Repeal.

SEC. 2. That the twenty-fifth section of the act to which this is an amendment, as to the said twenty-seventh regiment, be, and the same is hereby repealed, but shall remain in full force to, and in every other regiment of the militia of this state.

Subpoenas.

SEC. 3. That whenever hereafter any officer shall order any military court, or board of officers, he shall at the same time issue subpoenas for such witnesses as the persons interested shall request, directed to any proper person or staff officer, and the return of service made thereto by any officer shall be evidence of service, and if the same be served by any other person, such return shall be sworn to.

CHAPTER LXXXVIII.

An Act to incorporate the Western Union Seminary.

[APPROVED, FEBRUARY 2, 1833.]

Corporation
created, its
powers.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Israel Bigelow, Daniel St. John, James Ayres, Aaron De La Barr, William D. Jones, Jesse Willets, Peter J. Labertaw, John Beard, and Jonathan Kidwell, who have been duly appointed a board of trustees, by the Western Union Association of Universalists, for the purpose of carrying into effect the aforesaid institution, be, and they are hereby constituted a body politic and corporate, having full power to hold property, personal and real, in trust for the use of said seminary, capable of suing and being sued, pleading and being impleaded, in any court having competent jurisdiction, which power shall pass from them to their successors in office, who shall hereafter be

elected in such manner as the Western Union Association aforesaid may hereafter direct.

SEC. 2. *And be it further enacted,* That all deeds, bonds, notes, subscription papers, or other instruments of writing which have, or may hereafter be made or entered into, in good faith for the purpose of securing to the said institution lands, money, or other valuable considerations, for the purposes aforesaid, shall be binding and valid in law and equity according to the true intent and meaning of the parties.

SEC. 3. *And be it further enacted,* That said board shall have full power to appoint a clerk and treasurer. It shall be the duty of the clerk to keep a book for the purpose, in which a faithful record of the proceedings of said board with all receipts and expenditures, shall be recorded; which book shall at all times be open to the inspection of each and every subscriber and any other person concerned in the business of said institution. The treasurer shall give bond and security to said board of trustees, which they may deem sufficient to secure all monies committed to his trust. No money shall be drawn out of the treasury but by order of said board, certified by the president of said board, and countersigned by the clerk.

SEC. 4. *Be it further enacted,* That all contracts made and entered into by said board of trustees, in their official capacity, or by their general agent or sub-agents duly authorized and appointed to transact the business of said institution, shall be binding as such; and all suits, actions, judgments, or executions founded on such contracts, shall be taken against the board of trustees for the Western Union Seminary; and no member of the board shall be bound to answer to such suit or suits in his own individual capacity, or be liable to such execution or executions in his own individual property; but the property of said institution shall always be liable for its own debts: *Provided, however,* that the public square on which the seminary is to be erected, shall never be liable to any execution.

SEC. 5. *Be it further enacted,* That said board of trustees shall hold their sessions twice in each year, at the town of Philomath aforesaid, and shall possess full power to enact by-laws for the regulation of their own business, within the provisions of this act. They shall have the management of said institution, employ teachers, build such public buildings out of the funds of the institution as they may deem useful for the benefit of the same, and make all other improvements necessary to effect the object of the institution, in promoting the science of letters, the art of mechanism, and that of agriculture: *Provided, always,* that the funds

Deeds, &c. to
be binding
and valid.

Clerk and
treasurer,
their duty.

Contracts
shall be bind-
ing.

Proviso.

Powers of the
board of trus-
tees.

Proviso.

subscribed shall be faithfully applied to the above purposes, for which they are donated, and no other.

Seminary hall shall be used as a house of public worship. Proviso.

SEC. 6. *Be it further enacted*, That the public hall of said seminary, when not occupied by the teachers for the benefit of the institution aforesaid, shall be used as a house of public worship and free for any christian denomination whatever, without favor or partiality: *Provided, however*, that no denomination of christians shall be entitled to the above privilege, until they or their agent duly authorized pay over to the treasurer of said board, or give bond for the payment of such sum or annual sums of money, to be applied to the use of the house, for stationary and keeping said house in order for divine worship, as the said board of trustees may deem necessary for that purpose.

No religious tenets to be taught.

SEC. 7. *And be it further enacted*, That whereas, the object of the subscribers to the above institution is to establish a seminary of education for youth, purely scientific, and entirely free from sectarian influence, no religious creed, catechism, dogmas, or confession of faith, shall ever be taught in said seminary, but simply the arts and sciences above enumerated: *Provided, however*, that there shall be no restraint on the free exercise of the judgment and expression of opinion; and every student shall enjoy the free exercise of his own religious opinions, and worship the Supreme Ruler of the Universe according to his own conscience without molestation: *Provided, also*, that in so doing there shall be no infringement on the rights of others.

Proviso.

Proviso.

CHAPTER LXXXIX.

An Act to provide for the sale of certain lands therein named.

[APPROVED, FEBRUARY, 2, 1833.]

Preamble.

Whereas, by an act of congress, approved July 3, 1832, it is enacted that the legislature of the state of Indiana be, and is thereby authorized to sell and convey in such manner and on such conditions as said legislature may by law direct, the following described tracts of land, to-wit: sections numbered thirteen, progressively to thirty-six inclusive, section sixteen excepted, in township numbered two, north of range two west; and sections numbered one to twelve progressively and inclusive, in township one, north of range two west; and the north east quarter of section numbered fourteen in township seven, north of range two west; and the north west quarter of section numbered twenty-six in township one, north of range five west, in the Vincennes land district; likewise section fifteen in

township two north; section twenty-eight in township three, north of range four east; and fractional section numbered thirty-one in township nine, north of range two east, of the Jeffersonville land district; and to apply the proceeds of said sale to the purposes of education: *Provided*, that the legislature shall not authorize a sale of the said lands, at a less price than that at which the public lands are sold, at private entry—Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following persons be appointed commissioners and appraisers, to sell so much of said lands as lie within their respective counties, in the manner and form as hereinafter directed, to-wit: for the county of Orange, William Lindley commissioner and Samuel Cobb and John Penick appraisers; for the county of Washington, Henry Young commissioner and Samuel Lindley and Thomas Denny appraisers; for the county of Monroe, James Borland commissioner and Joshua O. Howe and Henry Wampler appraisers.

Commissioners and appraisers.

SEC. 2. Each of said commissioners shall, before entering upon the duties enjoined on them by this act, take an oath faithfully to perform his duty as herein required; and the commissioner for the county of Orange shall give bond in the sum of fifty thousand dollars; the commissioner for the county of Washington shall give bond in the sum of twelve thousand dollars; and the commissioner for the county of Monroe shall give bond in the sum of six thousand dollars, each with good security to be approved by any presiding judge, by the governor, or by the treasurer of state, conditioned for the performance of his duty as such commissioner, which bond shall be filed in the office of the auditor of public accounts, together with the certificate of his having taken the oath aforesaid before some person authorized to administer oaths, and such bond shall from its date operate as a lien on the lands and tenements of the obligors.

Com'r's oath and bond.

SEC. 3. Before either of said commissioners shall offer any of said lands for sale under the provisions of this act, he shall take with him the appraisers herein appointed of his proper county; and which appraisers shall, before entering on the duties enjoined on them by this act, be duly sworn before some justice of the peace of said county well and truly to value said lands, taking into consideration the natural value or quality thereof, and improvements thereon, dividing the same into east and west half quarter sections, and make out a correct map or plat of the same, together with the appraised or fixed value of each half quarter as aforesaid, which map or plat so made out as aforesaid, shall be filed in the office of the recorder of the county in which such land is situate; and a transcript of the same shall be by

Bond, &c. to be filed in the auditor's office.

Lien. Appraisers to be sworn.

Valuation and plat to be filed with the recorder.

Transcript to be forwarded

to the treasurer of state. such recorder forwarded to the treasurer of state; and in no case shall any of said lands be valued at less than one dollar and twenty-five cents per acre, nor shall any tract be sold for less than its appraised value.

Compensation of appraisers. SEC. 4. Each appraiser called on by the commissioners as aforesaid, shall be entitled to receive one dollar per day for his services, for each and every day he may be employed in rendering the same, to be paid by the commissioner out of the first money arising from the sale of said lands, the receipt for the payment of which the commissioner shall return, with the money arising from the said sales, to the office of the treasurer of state, and shall be entitled to a credit for the same.

Lands to be sold under U. S. survey. SEC. 5. Said commissioners shall on the day of sale and in their public notices distinctly state that the lands are sold by half quarter sections, as returned by the surveyor to the office of the surveyor general of the United States, and that the state will in no case re-survey: *Provided, however,* that if either of said commissioners shall judge it most expedient for the interest of the state, to sell more than a half quarter section together, he shall have discretionary power so to do.

Notice of sale how published. SEC. 6 Each of said commissioners shall at least sixty days before the day of sale, give public notice, the commissioner for the county of Orange, in one of the newspapers printed at Vincennes, the newspaper printed at Paoli, both the newspapers printed at Salem, and the newspaper printed at New Albany; the commissioner for the county of Washington in both the newspapers printed at Salem; and the commissioner for the county of Monroe, in the newspaper printed at Bloomington; that he will on the day specified in such notice, at the court house door of the county in which the land lies, proceed to sell the same at public sale; and the sale shall continue from day to day till all the lands as aforesaid shall be offered for sale. If after such public sale any of the said lands remain unsold, the same shall be subject to purchase at private sale at the residence of such commissioner; *Provided,* That in all cases of lands being forfeited to the state for non-payment of principal or interest due thereon as hereinafter provided, the commissioner shall give public notice thereof in a newspaper printed nearest thereto, that he will on the first day of the next term of the circuit court, to be holden in the county in which such land is situate, offer the same at public sale on the same terms and conditions on which the lands were originally sold.

Lands may be purchased at private sale after the public sale is closed.

Proviso.

Forfeited lands, how sold.

One-fourth of the purchase money to be

SEC. 7. In all sales of land authorized by this act, the purchaser shall be required to pay one-fourth of the purchase money at the time of sale; and the balance due shall

remain on interest at the rate of six per cent. per annum, at the option of the purchaser, his heirs or assigns for ten years: *Provided,* that the interest shall in all cases be punctually paid in advance at the commencement of each year, counting from the time of sale; and a failure to pay the interest of two years successively for ninety days, after the second year's interest becomes due, shall forfeit to the state for the purposes of education the tract of land on which such interest may be due, and also the benefit of the contract by which it is held, and all previous payments made on such tract of land by the purchaser thereof, his heirs, executors, administrators, or assigns; and the state shall forthwith have right to hold and possess such lands; and each purchaser, his heirs or assigns after a failure to pay the first interest due in advance for any year as aforesaid, shall while such interest remains unpaid be considered as a tenant at will only, and if such purchaser, his or her heirs or assigns shall while such interest or any part thereof remains unpaid, commit any unnecessary waste on the premises purchased on which such interest remains unpaid as aforesaid, it shall, in such case, be the duty of such commissioner or his successor in office to commence in his own name, for the use of the state, an action of trespass before some justice of the peace of the county in which the land lies, or in any other court having competent jurisdiction; on the trial of which, either party may require a jury, and if the jury return a verdict of guilty, a judgment shall be rendered thereon, subject to the regulations in ordinary cases; or, if no jury be required to try the cause, and a judgment of guilty should be entered, in either case the judgment shall justify and authorize such commissioner or his successor in office, to take immediate possession of the tract of land in question; and for the purpose of removing such delinquent he may call to his assistance the posse comitatus of the county in which the land is situated, without further process; and from that time the state shall of right hold and possess such land clear of incumbrance.

SEC. 8. Each commissioner shall receive the money arising from the sale made by him of any tract of land as required by this act, and shall at the time thereof give to the purchaser a certificate specifying the amount by him or her paid, the tract of land purchased and the balance due thereon, and it is hereby made the duty of the recorder of the county in which such land is situated on presentation of such certificate to record the same in its turn at full length in a book to be by him kept for that purpose, and return the same to the person entitled thereto, and on making other payments of principal or interest to said commissioner he shall receipt therefor, and such receipt shall be presented

paid at the sale, the balance in ten years.
Proviso.
Interest, how paid.

Forfeiture for non-payment of interest.

Waste, duty of Com'r. in case of,

Com'r. to receive money and give certificate.

Duty of recorder of the county in which the land is situated.

as aforesaid to the said recorder, who shall record the same as herein before directed, and also endorse the amount so paid on the original certificate; and when final or full payment shall be made on any tract, a final certificate shall be given by such recorder to such purchaser, his heirs or assigns; and on presentation of such certificate and filing the same with the treasurer of state, the said purchaser, his heirs or assigns shall be entitled to a patent deed for the tract of land so purchased from the state of Indiana under the seal thereof, signed by the Governor and countersigned by the treasurer of state, which patent shall vest the legal title in the land so sold in the purchaser, his heirs and assigns forever.

SEC. 9. Each of said commissioners shall keep a proper book of accounts and make annual reports to the treasurer of state of his transactions under this act, and it is hereby made the duty of the said treasurer to devise the forms of the receipts and certificates, and direct the mode of keeping accounts and making annual reports as aforesaid, previous to the sale of any of the lands aforesaid under the provisions of this act.

SEC. 10. Said commissioners shall pay over to the treasurer of state, or to his order, all monies which may come into their hands respectively from the proceeds of the sales of the lands aforesaid, and of the damages recovered for waste committed, under the provisions of this act, at such times as shall be directed by the said treasurer, and take his receipt therefor, and such damages shall form a part of the fund arising from the said lands, to be hereafter applied by the General Assembly to the purposes of education.

SEC. 11. The treasurer of state shall keep an account current with each of such commissioners of and concerning the monied transactions contemplated by this act, and the said treasurer shall be subject in relation to the trust, duties and liabilities by this act created, to the provisions of the revenue laws of this state, so far as the same are applicable.

SEC. 12. And it is hereby made the duty of the said treasurer to loan all monies coming into his hands by virtue of this act, under the same regulations, conditions and restrictions that he is now authorized to loan the funds arising from the sales of the seminary lands in Gibson and Monroe counties, and make report thereof to the General Assembly, within the first week of the session thereof, in each and every year.

SEC. 13. Each of said commissioners shall receive as follows, to wit: The commissioner in Orange county, two per centum; the commissioner in Washington county, four per centum; and the commissioner in Monroe county, six per

Final certificate.

Patents.

Annual report of com'rs.

Treasurer's duty.

Com'rs. shall pay over monies to the state treasurer.

Treasurer's duty in relation thereto.

Treasurer to loan the money.

Report.

Compensation to com'rs.

centum upon all monies by them severally paid over to the treasurer of state as aforesaid, in full for all services required of them by this act: and the treasurer of state shall receive one and a half per centum on the monies so received by him, in full for the services required of him by this act.

SEC. 14. If the office of any commissioner shall become vacant by the death, removal from office, resignation, refusal to qualify, or otherwise, the Governor shall fill such vacancy by appointing some person thereto, who shall hold his office until the next meeting of the General Assembly, and until his successor shall be appointed and qualified, who shall give such bond, take such oath, perform such duties, be subject to the same liabilities and possess the same powers as his predecessor has or is subject to by this act.

SEC. 15. Any person or persons, wishing to transfer his or their certificates of sale shall be permitted so to do on appearing before the recorder of the county in which the land is situate, and acknowledging a written assignment or transfer by endorsing the same on the original certificate, which acknowledgment such recorder is hereby authorized to take, and shall enter such transfer or assignment and acknowledgment in his record book, which being done, shall operate as a transfer of all the right, title, and interest of and in said certificate to the person to whom the same is transferred or assigned as aforesaid: the person or persons making such transfer and acknowledgment, shall pay such recorder twenty-five cents for his fee.

SEC. 16. Such recorder shall further receive the following fees for the following services, to-wit: for recording the original certificates, the receipts, and for executing and recording the final certificate, for every one hundred words, twelve and a half cents; which the auditor of public accounts is hereby required to audit and the treasurer to pay out of the proceeds of the sales of the said lands. The auditor shall also audit, and the treasurer shall pay out of said fund, [to] such recorder or to the proper commissioner appointed by this act, the amount by him or them expended in the purchase of Record books, which amount shall be first verified by the affidavit of such recorder or commissioner, taken before some justice of the peace.

SEC. 17. *Be it further enacted*, That James Borland, commissioner of the reserved saline land lying in the county of Monroe, as is in this act named, is hereby authorized with the concurrence of the lessee to cancel any unexpired lease, provided it can be done without loss to the state, and if not, to sell the same subject to such lease.

Of treasurer.

Vacancies in the office of com'rs. how filled.

Transfer of certificate how made.

Recorder's fees, how paid.

Leases on lands in Monroe county, may be cancelled.

CHAPTER XC.

An Act to incorporate the County Seminary of Posey, and for other purposes.

[APPROVED FEBRUARY 1, 1833.]

Com'rs. to locate the site.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Gen'l. W. Johnson of the county of Knox, Daniel Grass of the county of Spencer, George H. Proffit of the county of Pike, and Ratliff Boon of the county of Warrick, be and they are hereby appointed commissioners to locate and mark out a situation for a seat of learning to be called and known as "The County Seminary of Posey county."

Clerk of Posey co. to notify com'rs.

SEC. 2. It shall be the duty of the clerk of the Posey circuit court to notify the above commissioners of their appointment as well as of the time of their meeting as shall be designated by this act.

Duty of commissioners.

SEC. 3. It shall be the duty of the said commissioners, or any three or more of them, to convene at the town of Mt. Vernon, on the fourth Monday of August, 1833, or as soon thereafter as possible, and designate the spot for the location of the seminary of learning, and report the same by metes and bounds to the clerk of the said Posey circuit court by whom the same shall be recorded in the common record book of said county.

Notice of election of trustees to be given by sheriff.

SEC. 4. That so soon as said report shall be made to said clerk, it shall be the duty of the sheriff of said county to give notice in the ordinary way of elections, that one proper and fit person from each of the nine civil townships now in being in said county, shall be elected at the next annual August election, to serve as Trustees to said Seminary.

Trustees to determine which of them are to go out of office at the end of the 1st and 2d years.

SEC. 5. That said trustees when so elected, shall meet at the point of location, or as near thereto as may be, [and] in the presence of the said clerk, determine by lot or otherwise, which of the three of the nine shall go out of office at the end of the first year's service next after the date of election, and those who shall, being three, retire at the end of the second year from the said date, none of them holding the situation for a longer term than three years, unless re-elected by the proper township.

Elections, manner of.

SEC. 6. That the voters of the respective townships shall be entitled to give their suffrage in the same manner and under the same restrictions as those voting at the general elections.

SEC. 7. That said trustees, so soon as they or a majority of them as aforesaid shall have convened as aforesaid,

shall take an oath solemnly to discharge their duties as such to the best of their abilities, a copy of which oath shall be registered by the aforesaid clerk, and put on file in his office. Oath of trustees.

SEC. 8. That said trustees, so soon as qualified as aforesaid, shall proceed to erect the necessary buildings appertaining and necessary to the aforesaid object, commensurate with the fund on hand, from whatever source the same may be derived. Erection of buildings.

SEC. 9. That the trustees aforesaid and their successors in office, so soon as they or a majority of them shall be qualified as aforesaid, shall be and they are hereby declared and created a body corporate and politic by the name and style of "The Board of Trustees of the Posey County Seminary," and shall by the same name be able and capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in any court of justice whatever. They shall in law be capable of purchasing, holding, and conveying any estate, real or personal, for the use of said seminary; they are also hereby empowered to receive subscriptions, gifts, grants, donations, or bequests; which subscriptions, gifts, grants, donations, and legacies shall be appropriated to the sole use and benefit of the said seminary, in such manner as said board of trustees shall deem most fit and expedient, and the majority shall in all cases govern. Corporation created.

SEC. 10. The said board of trustees shall have full power from time to time to make such by-laws, ordinances, and regulations, not inconsistent with this charter, the laws of the state of Indiana, or of the United States, as to them may appear necessary for the good government of said seminary and the students thereof, and the same to put into execution, revoke, alter, and make anew, as to them shall appear necessary. Name and powers.

SEC. 11. The board of trustees shall have power and authority to appoint such subordinate officers as they may deem necessary for the government of the seminary, and require such sureties, and annex such fees to the several officers of the corporation, and impose such fines for neglect of duty or misconduct in office, as to them shall seem proper, as are not inconsistent with the laws of the government. By laws.

SEC. 12. The board may meet when, and [as] often as they think proper, not less than twice a year; and shall at their first meeting or shortly thereafter, choose a president out of or from their own body, whose duty it shall be to preside over the board, and in case of his non-attendance, to elect one of the same body president pro tempore. Further powers of trustees.

SEC. 13. The board of trustees or any officer by them

Meetings of board of trustees.
President.

Seminary fund of the county to be under the control of the board of trustees.

Office of seminary trustee in Posey co. abolished.

Com'rs. compensation.

appointed shall be authorized to demand and receive from the present trustee of the seminary fund of said county, all monies, notes, books, and papers relative to the seminary fund now in his hands, or which may hereafter come into his hands before the taking effect of this act; and from and after the first day of September next, the office of trustee in the county of Posey shall be abolished, and the said board of trustees of the said seminary, shall from and after the first day of September aforesaid, have all the power and authority which formerly belonged to said trustee, (whose office is hereby abolished,) to receive all monies accruing from fines, or in any otherwise belonging to the seminary fund of said county.

SEC. 14. The commissioners named in the first section of this act, shall have and receive two dollars per day for their services, to be paid out of the county treasury of the county of Posey.

CHAPTER XCI.

An Act to incorporate the Liberty School Society.

[APPROVED, FEBRUARY 2, 1833.]

Corporation created.

Name.

Limitation & power.

First board of trustees.

Term of office

Election of trustees, and term of office.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Pierce, William Sims, George Crist, James Severson, William Pierce, Joseph S. Allen, Ethel Kellogg, Jacob M'Vay, Elias Davison, John Bringham, William Black, and Charles Marsteller of Tippecanoe county, and their associates and successors be, and they are hereby constituted a body corporate and politic, by the name and style of the "Liberty School Society," and by that name shall have succession for the term of twenty-five years from the first day of February next, and be capable of suing and being sued, impleading or being impleaded, answering or being answered unto in any court having jurisdiction.

SEC. 2. The above named James Pierce, William Sims and George Crist shall constitute the first board of trustees of said Liberty school society, who shall continue in office one year from and after the first day of May next, and until their successors are elected, at which day or on some day previous (to be fixed on by the trustees above named, and at such convenient place as they may direct,) the said society shall elect three trustees to succeed them, whose term of office shall be one year, and until their successors are elected, and so on from year to year

thereafter. The trustees of said society for the time being shall have power to contract on behalf of said society for a suitable piece of ground on which to erect a school house, and to receive to them and their successors in office the necessary deed or deeds of conveyance of such land for the use and benefit of said society, and for the purposes aforesaid. They may moreover make the necessary contracts for the erection of a school house, and from time to time for its repairs; they may engage the necessary teacher or teachers, and in all other respects regulate the economy of such school, always however in subserviency to the by-laws hereinafter named: *Provided*, that said trustees shall not have power to make said society or their corporate property liable for any debt or contract without a vote of two-thirds of the members of said society first authorizing them so to do, nor shall they have power to alienate or dispose of any corporate property without like authority, and may be directed in the employment of a teacher by a similar vote.

SEC. 3. The said society shall hold stated meetings every three months at their school house or such other convenient place as they may adjourn to, and special sessions, at the instance of any three members upon reasonable notice being given; they may enact such by-laws as at any regular meeting shall be agreed upon by a majority present, and elect a clerk and other necessary officers; they may admit new members at any regular meeting; any member wishing, by filing with the trustees a notice in writing to be by them laid before the society at their next meeting, may withdraw from the society and cease to be a member, but shall not be entitled to withdraw any funds which he may have advanced for the corporate use, unless by a vote of a majority of the society at a regular meeting.

SEC. 4. The annual election for trustees shall be at the first regular meeting after the first of January in each year, and shall be by ballot, and a plurality shall decide, and in case of failure to elect at such meeting, said election shall be held at their next regular meeting; any member removing his residence more than three miles from the school house of said society, shall while so removed cease to enjoy the immunities, or to be subject to the liabilities of said incorporation.

SEC. 5. It is hereby declared to be the purpose of this act of incorporation, to promote the object of education, and the powers hereby conferred upon said society are to be subservient to that end, and no power or authority alien to that object is intended hereby to be vested in said society. The incorporation hereby created, may be dissolved at any regular meeting by a vote of four-fifths of all the

Ground for a school house, &c.

Trustees.

Proviso.

Stated meetings, &c.

By-Laws.

Clerk, &c.

Admission, &c. of members.

Annual election of trustees, when held, &c.

Object of the Incorporation.

Dissolution of, members, and in that case an equitable division of the corporate property, after the payment of existing debts and liabilities, shall be made among all the members thereof.

This act to be in force from and after its passage.

CHAPTER XCII.

An Act concerning a school section in Tippecanoe county.

[APPROVED, FEBRUARY 1, 1833.]

Where the original purchasers of any part of the school sec. in town 23 N. range 4 W. have or may sell any part of their purchase the part so sold shall be liable only for a ratable proportion of the interest due.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That where any purchaser of any part of the school section in town twenty-three, north of range four west, in Tippecanoe county, shall have sold or assigned, or may sell or assign to any person or persons, any part of the lot so by him purchased, the assignee, whether immediate or remote, of any such part or sub-division of such lot, his heirs or legal representatives, shall hold and save the same free and clear from any forfeiture by reason of the non-payment of interest or principal due on the residue of such lot held by the original purchaser, or by any other person or persons; and the interest and principal due on the part so assigned or sold, in proportion to the whole amount accruing upon the entire lot as originally sold by the school commissioner, shall constitute a lien upon the part so sold or assigned, and the same shall be liable for nothing further.

The benefits of 1st section to whom extended.

SEC. 2. The provisions and benefits of the first section of this act shall be extended to any joint purchaser, joint tenant, or tenant in common of any part of said school section so sold, his heirs and legal representatives after legal partition thereof is or may have been made, and the same legally proven or authenticated to the school commissioner of said county, by whom the same shall be recorded in his book, unless heretofore so recorded.

Deed to assignee, &c.

SEC. 3. Any such assignee, joint purchaser, joint tenant, or tenant in common, his heirs or representatives, shall be entitled to a deed of conveyance for his or her part of such land on making full payment as in other cases, and shall also be entitled to such deed on such full payment being made at any time before it is due in like manner as in other cases.

Certificate of school com'r.

SEC. 4. The benefits of this act shall extend only to such assignee, joint purchaser, joint tenant, or tenant in common, who shall procure upon the deed or record of assignment, conveyance, or partition made to him, the certifi-

cate of the school commissioner of said county that the application of this act to such deed will not prejudice or invalidate the claim of the township, for the amount due upon the balance of such lot not included in said deed.

This act to take effect and be in force from and after its passage.

CHAPTER LXXI.

An Act to establish a Levee from the town of Vincennes, through the lower prairie near the Wabash River, to the Grande Coulee.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jacob Kuykendall, Vetal Busha, and John B. Martin, and their successors in office, who are to be elected annually as hereinafter provided, be, and they are hereby appointed commissioners for the purpose of constructing and keeping up a good and sufficient levee and public highway from the high ground in the town of Vincennes, along the Wabash river to the Grande Coulee below said town in the county of Knox. Com'rs, for what purpose appointed.

SEC. 2. Each and every owner and proprietor of land or lots fronting on said river in the Lower Prairie, shall be liable and stand bound, under the direction and superintendence of said commissioners, or a majority of them, to cause to be made and erected and kept in repair, a good and sufficient levee or embankment, to prevent all overflow along the front next to said river, along the whole extent or front of his and their land or lots respectively, as herein directed; and each and every such owner or proprietor, together with his property, shall stand bound and liable for the making and keeping in good repair of so much of such levee or embankment hereby authorized as may pass through, or be in front of his land or lots as aforesaid; and said commissioners, or a majority of them, shall have full power, and it shall be their duty, forthwith, or as soon as may be, to prescribe the height, width, site, location, and mode of constructing and repairing of such levee or embankment hereby authorized as aforesaid, and to re-locate, open, and keep in repair a public road and highway on or near the same route. Levee, how and by what means constructed.

SEC. 3. The citizens and inhabitants of the lower ward of the borough of Vincennes and of the village of Cathrines, and of the Lower Prairie within the township of Vincennes, who are, or hereafter may be subject by law to work or labour on roads and highways, shall, and they are Road to be opened, &c. Work on Levee &c. by whom to be performed.

hereby severally required to perform each one day's labour in every year upon the levee or embankment and public highway aforesaid, under the direction of said commissioners, which shall be received as part pay for their road labour now required by law.

Notice to the owners of land of the work required of them.

SEC. 4. It shall be the duty of such commissioners, superintending said levee and road, to give notice to the owners or proprietors aforesaid, at least three days before any work may be required of them, and in case of the absence of any of them from the township aforesaid, a written notice shall be left at the dwelling house or usual residence of such absentees, if within said township, otherwise to be published in some public newspaper printed in said town of Vincennes, of the time and place when and where their labour to make or repair the levee and road aforesaid is or may be required; and if any such owner or proprietor shall neglect or refuse to make or cause to be made a good and sufficient levee and road or to keep the same in repair, under the direction of the said commissioners, after due notice has been so given, the said commissioners may proceed to hire labourers to perform the work required; and each such owner or proprietor so neglecting or refusing shall stand bound for the amount expended for the same in front of or through his land, and his property shall be liable for the payment thereof, as in case of road delinquencies; and said commissioners may sue for and recover the same in any court of competent jurisdiction; and the said citizens or inhabitants in said township, who are not such proprietors or owners of land as aforesaid, that are hereby required to work one day each as aforesaid, shall severally receive reasonable notice of the time and place of working, and perform their labor under the superintendence of one or more of said commissioners, under the penalty of one dollar each for each day's failure to work as aforesaid.

Com'rs. duty where proprietors refuse to make said levee.

Notice to those who are not proprietors of land.

Com'rs, how elected.

Notice of election.

Term of office of com'r appointed by this act.

Oath.

SEC. 5. Said commissioners shall be elected annually on the first Monday in September of each year, by that portion of the legal voters in said township who are required by this act to construct, repair, or work upon such levee as aforesaid, and shall hold their offices for one year from the time of such election, and until their successors are chosen and qualified. Ten days' notice of the time and place of holding such elections shall be previously given in writing set up at three of the most public places in said township. The commissioners named in the first section of this act, (Kuykendall, Busha, and Martin,) shall hold their office until the first Monday in September next, and until their successors are chosen and qualified; and they and their successors shall, before entering upon the discharge of their du-

ties, severally take, before some competent judicial officer, an oath faithfully and impartially to discharge the same.

SEC. 6. All penalties hereby imposed on said citizens and inhabitants, not owners of land, for failure to work as aforesaid, shall be sued for by said commissioners in any competent court, and on being collected or received by them, applied in constructing, repairing or working upon such levee, as occasion may require, and hand over an accurate account of all delinquencies and money received, in a book to be kept for that purpose, to their successors in office.

Penalties how collected and applied.

SEC. 7. The sheriff of Knox county is hereby required to serve or deliver such written notices as the commissioners may, in conformity with this act, place in his hands for that purpose, and he shall give annual notice of an election for said commissioners as herein required.

Sheriff of Knox county, his duty.

SEC. 8. The commissioners appointed by this act, and their successors in office, shall be competent witnesses in all actions for delinquencies, and shall stand responsible for all sums recovered, and for the faithful discharge of their duty under this act, in the same manner, and in the same degree, as is provided in the case of supervisors of public roads and highways.

Com'rs' competent witnesses, &c.

SEC. 9. This act to take effect and be in force from and after its publication in any newspaper printed in Vincennes, and all acts and parts of acts in relation to the subject matter coming within its purview, shall be and are hereby repealed.

CHAPTER XCIV.

An Act to authorize and require the Seminary Trustee of the county of Scott, and the Treasurer of the Library of said county, to loan certain Moneys, within their control.

[APPROVED FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the seminary trustee of the county of Scott, to lay before the board of commissioners of said county, at their May or some subsequent session, as soon as practicable thereafter, a detailed statement of all the moneys belonging to said seminary, together with all notes or other obligations for money loaned, a detailed account of which, the clerk of said board shall enter on the record book of said board, the time when each note or obligation will become due, the amount thereof, and the name of the person or persons owing the same.

Duty of trustee.

Duty of the clerk of county board.

Further duty
of trustee.

Treasurer of
Library, his
duty.

Duty of the
board of com-
missioners.

Money bor-
rowed to be a
legal obliga-
tion on the
county.

Further duty
of trustee.

SEC. 2. *And be it further enacted*, That it shall be the duty of the trustee aforesaid, as fast as the notes or other obligations alluded to in the first section of this act, become due, to collect the same, and the same to loan to the commissioners of said county in their corporate capacity, for the use of said county: and it is in like manner made the duty of the treasurer of the library of said county, by and with the consent of the president and trustees thereof, to loan to the commissioners of said county in their corporate capacity, all moneys belonging to said library within his control, and which may come to his hands as such trustee, for the use of said county, at not less than six per cent. per annum, payable to the said seminary trustee of the library, for the use of the seminary and library aforesaid.

SEC. 3. *And be it further enacted*, That the commissioners of said county, on the receipt of any loan, shall cause the same to be made a matter of record, in the record book of their proceedings, stating in words at full length, the precise sum so received, as also the particular source from which the same had been collected and paid over by the trustee or treasurer before mentioned; and it shall be the duty of the commissioners of said county as fast as they receive any money as before mentioned, to apply the same to the payment of any judgment, which may have been heretofore rendered against said county, or to the payment of any money that may have been borrowed by said county, as to them may seem most to the interest of said county, or to make any use of the same, best calculated to pay the county debt.

SEC. 4. *And be it further enacted*, That the amount of money so borrowed by the said commissioners, and recorded as set forth in the third section of this act, shall constitute a legal obligation on said county of Scott; and should the said county of Scott neglect or refuse to refund the several sums for which they may be accountable to the said seminary trustee, when the said county seminary shall be incorporated, then and in that case the said seminary trustee shall have a right to commence suit for the recovery of the same in any court of competent jurisdiction, and to introduce the record of the said board of commissioners as evidence of the obligation created by this act; and the said treasurer of the library shall be entitled to the same remedy in collecting the library funds that may have been loaned to said county, if not paid when demanded by the trustees thereof, that the trustee of the county seminary is entitled to for the collection of seminary funds; and it is further made the duty of the seminary trustee to loan all moneys that may hereafter come into his hands under the same

rules and regulations as set forth in former provisions of this act.

SEC. 5. *And be it further enacted*, That should it appear to said commissioners, that the money in this act contemplated, could not be of use to said county, then, and in that case it shall not be obligatory on said commissioners to borrow said contemplated funds: *Provided, however*, that the same shall be discretionary with the commissioners of said county.

SEC. 6. *And be it further enacted*, That should the said seminary trustee, neglect or refuse to comply with the duties enjoined on him by this act, it shall be the duty of the commissioners to remove him from office and appoint a successor; and should the treasurer of the library neglect or refuse to comply with the duties required of him by this act, the trustees of the library shall have power, and it is hereby made their duty, to remove said treasurer from office and appoint a successor.

This act to take effect and be in force from and after its passage.

CHAPTER XCV.

An Act making General Appropriations for the year one thousand eight hundred and thirty-three.

[APPROVED, FEBRUARY 2, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That there be appropriated for the expenses of the present general assembly, including the pay of members, secretaries, clerks, sergeant-at-arms, doorkeepers, stationary, fuel, printing, binding and distributing the laws and journals, together with all other expenses incident to the present session, the sum of twenty-one thousand dollars.

For the executive department, two thousand six hundred dollars. Executive.

For the judiciary department, the sum of seven thousand nine hundred dollars. Judiciary.

For prosecuting attorneys, the sum of one thousand two hundred dollars. Pros. attor's.

For adjutant and quarter-master-general, one hundred and fifty dollars. Adj't & qr. master gen'ls.

For contingent expenses, one thousand dollars. Contingent.

For state prison, one thousand dollars. State prison.

For wolf scalps, one thousand dollars. Wolf scalps.

For state library, one hundred dollars. State library.

For probate judges, two thousand five hundred dollars. Prob. judges.

Specific.

For specific appropriations, one thousand five hundred dollars.

This act to take effect and be in force from and after its passage.

CHAPTER XCVI.

An Act making specific appropriations for the year 1833.

[APPROVED, FEBRUARY 2, 1833.]

Secretaries,
clerks, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the principal and assistant secretary of the senate, and the principal and assistant clerk of the house of representatives, shall severally be allowed three dollars and fifty cents per day; and the enrolling secretary of the senate, and the enrolling clerk of the house of representatives, three dollars and fifty cents per day for each and every day they may have served as such during this session; and the sergeant-at-arms the sum of two dollars per day for each and every day he may have served as such during the present session; and the door-keeper of the senate, and the door-keeper of the house of representatives, each two dollars and fifty cents for each and every day they may have served as such during the present session.

Truelock.

SEC. 2. That John Truelock, collector of Scott county, be allowed four dollars, being an over-payment of the revenue of said county for the year one thousand eight hundred and thirty.

Battell.

SEC. 3. That Charles I. Battell be allowed the sum of thirty-four dollars, being the amount due him for costs paid, and services performed as counsel for the state in a suit against A. Harbinson collector of Dubois county, for the years one thousand eight hundred and twenty-two and one thousand eight hundred and twenty-three.

Brackenridge

SEC. 4. That John A. Brackenridge be allowed twenty dollars for serving as prosecutor *pro tem.* for Dubois county for the October term in 1831 and 1832.

Henrix.

SEC. 5. That George Henrix be allowed fifteen dollars out of the Indianapolis fund, being the amount paid by said Henrix on account of the purchase of a lot in said town of Indianapolis, which was forfeited, and on which relief has not heretofore been granted.

J. B. E. Reed.

SEC. 6. That J. B. E. Reed be allowed the sum of thirty-five dollars and sixty-seven cents, being the amount paid by him on account of the incidental expenses of the house of representatives during the present session.

SEC. 7. That Jesse Grace be allowed thirty-four dollars for thirty Windsor chairs and one armed chair and cushion furnished for the present general assembly. Jesse Grace.

SEC. 8. That A. W. Reed be allowed twenty-nine dollars for six writing desks, repairing desks, and repairs to the hall of the house of representatives, at the present session. A. W. Reed.

SEC. 9. That Samuel Merrill be allowed one hundred and thirty dollars for monies expended in enlarging the treasurer's office. S. Merrill.

SEC. 10. That the treasurer be authorized to procure a suitable iron chest for said office; and erect in said office above ground a stone vault to contain said chest and the papers of said office. And the auditor shall allow and audit such necessary expenses as may be therein incurred, on proper vouchers being presented for the same, to be paid out of any money in the treasury not otherwise appropriated. Chest, &c. for treas'r's office.

SEC. 11. That Henry P. Coburn, be authorized to cause a plank floor to be made for one of the rooms of the office of the clerk of the Supreme court, the expenses of which shall be audited on proper vouchers, and paid out of any money in the treasury not otherwise appropriated. Floor for the clerk's office.

SEC. 12. That Ebenezer Sharpe be allowed eleven dollars out of the Indianapolis fund for incidental expenses attending the agency for the town of Indianapolis. E. Sharpe.

SEC. 13. That Frederick Moser of Harrison county be allowed two dollars and fifty cents for five wolf scalps killed by him under six months old. Moser.

SEC. 14. That Benjamin Rodgers of Monroe county be allowed the sum of twenty-six dollars and fifty cents for services rendered as superintendent of Jackson's Lick in Monroe county, in full of all such services up to the eighth of December, 1832. Rodgers.

SEC. 15. That John W. Lee of Monroe county be allowed twenty-five dollars in full for his services as superintendent of Jackson's Lick in said county up to this day. J. W. Lee.

SEC. 16. That Richard Hardesty be allowed five dollars for services as assistant sergeant-at-arms for the Senate at the session of 1829-30. Hardesty.

SEC. 17. That Silas L. Halbert, collector of Martin county, be allowed eleven dollars sixty-three cents, an over-payment made by him for the revenue of said county this present year. Halbert.

SEC. 18. That Thomas Nicholas, collector of Hendricks county, be allowed twenty dollars and ten and a half cents, being the amount of delinquent list and improper assessment for the year 1832, for which he did not receive credit at the time of paying over the state revenue. Nicholas.

M'Carty &
Williams.

SEC. 19. That M'Carty & Williams be allowed six dollars and seventy-five cents for stationary for the use of the present general assembly.

Same.

SEC. 20. That M'Carty & Williams be allowed the sum of fourteen dollars and thirty-seven and a half cents for articles furnished the present general assembly.

Brown &
Morrison.

SEC. 21. That Brown & Morrison be allowed the sum of three dollars and ten cents for articles furnished for the senate chamber.

Dewey.

SEC. 22. That R. C. Dewey be allowed three dollars and fifty cents per day, commencing on the fourth day of January and continuing till the end of the present session, for his services as extra clerk.

Combs.

SEC. 23. That William Combs, assistant door-keeper for the senate during the present session, be allowed ten dollars for extra services; and a like sum to the assistant door-keeper of the house of representatives of the present session.

Wingate.

SEC. 24. That Joseph Wingate and Robert Taylor be allowed the sum of eighteen dollars and five cents for repairing hearths and chimnies in the representative hall, senate chamber, and committee rooms.

Morse.

SEC. 25. That Oliver Morse be allowed the sum of forty-five dollars and sixty-five cents for repairs done to the senate chamber, and articles furnished the present general assembly.

Hubble.

SEC. 26. That William Hubble, collector of Spencer county, be allowed four dollars and forty-one cents, being the amount over paid by him, of the revenue of said county, for the year 1832.

Reagan.

SEC. 27. That Wilkes Reagan be allowed the sum of twelve dollars and sixty-two and a half cents for candles furnished the present session of the general assembly.

Cropper.

SEC. 28. That Mordecai H. Cropper be allowed two dollars and twenty-five cents for three locks, and repairing door at the circle.

Sharpe.

SEC. 29. That Ebenezer Sharpe, agent of state for the town of Indianapolis, be allowed the sum of three dollars, paid H. Bradley for crying the sale of lots in the town of Indianapolis at the last spring sales, out of the Indianapolis fund.

Ass't. Enr'g.
clerks.

SEC. 30. That such sum, at the rate of three dollars and fifty cents per day, is hereby appropriated to the payment of assistant enrolling secretaries or clerks as may, by the enrolling clerk of either house of the present general assembly under the authority of such house, have been employed at the present session, to be certified by the presi-

dent of the senate and speaker of the house, for the assistant enrolling clerk of either house respectively.

SEC. 31. That the auditor of public accounts and treasurer of state be allowed fifty dollars each, as an additional compensation to their present salaries for services to be rendered in the year 1833. Auditor & treasurer.

CHAPTER XCVII.

An Act to incorporate the South Bend Bridge Company.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Alexis Coquillard, Pleasant Harris, A. Defrees, A. Chapin, L. M. Taylor, Peter Johnson, and I. P. McClelland, with their associates be, and they are hereby constituted a body corporate and politic, by the name and style of "The South Bend Bridge Company," for the purpose of constructing a bridge across the Great St. Joseph river at or near South Bend; and they and their successors shall continue in office and have perpetual succession for the term of eighteen years, from the first of June next, and by that name and style, are hereby made capable in law, to contract and be contracted with, to sue and be sued, plead and be impleaded, as a natural person is in this state and elsewhere, and shall be so recognized in courts of law and equity, and to have and to use a common seal and to change and alter the same at pleasure. They shall also, in their corporate name for the use of said corporation, have power to purchase and hold a sufficiency of real estate, for the full enjoyment of all the privileges herein and hereby granted, and also the power to ordain and establish such by-laws, ordinances, and regulations as shall be deemed necessary for the furtherance of the objects of this incorporation, not inconsistent with the laws and constitution of this state. Name and powers.

SEC. 2. The capital stock of said incorporation, shall consist of six thousand dollars, to consist of shares of fifty dollars each, to be subscribed for, or sold in the manner hereinafter mentioned: *Provided*, the amount above stated is insufficient to complete the bridge, it may be increased to a sufficient sum to accomplish that purpose. Capital stock. *Provido.*

SEC. 3. That at any time after the passage of this act, the before named persons shall meet at the town of South Bend, or a majority of them, and elect a president out of their body, and a secretary who may or may not be one of First meeting. President and Secretary, &c

their body, whose duty it shall be to record all the orders and proceedings of said board, and proceed to make such arrangements for opening books for the subscription of stock, and may appoint such person or persons, to receive subscriptions of stock, at such times and places, and in such manner as they may order and direct; and shall moreover make such orders for the payment of instalments on stock, as they may think to be for the interest of the corporation.

Sec'y duty to
give notice,
&c.

Election of
directors, how
conducted &c.

Directors to
elect presi-
dent and sec-
retary.
Term of office
of directors.

Quorum.

Requisition
on stock-
holders.

SEC. 4. When the whole number of shares hereby authorized is subscribed, it shall be the duty of the secretary of said board, or the president in case of the absence of the secretary, to give notice in a newspaper, or by written advertisement, or actual notice to the stockholders in said incorporation, and shall in said notice fix a time and place for the meeting of the stockholders in said incorporation, for the purpose of electing five directors of said company, who shall be elected out of the stockholders by the stockholders, and shall be called the Board of Directors of the South Bend Bridge Company, and the election of stockholders shall be conducted as the persons herein before named shall ordain; and each stockholder shall have a vote for each share he may have less than five, and for each two shares more than five and less than ten, one vote, and for each four shares more than ten, one vote, to be given personally or by proxy in such manner as the by-law shall provide, and that when five directors shall be chosen, they shall proceed to elect a president from their number, and to elect a secretary who may be a stockholder, but not one of the directors, whose duty it shall be to record the proceedings of said board; and the directors so elected, shall continue in office one year from the time they are so elected, and a majority of them shall constitute a board competent to transact the business of the incorporation, and shall have full power to establish rules and by-laws for said company, and to establish such rules for the government of themselves and the stockholders as to them may seem meet.

SEC. 5. When the board of directors shall be organized, the concerns of the incorporation shall be under their control and direction, and the president and two directors shall constitute a quorum competent to transact business, or, in the absence of the president, any three of the directors, one of whom shall act as president pro tempore, and the president and directors after they shall have been organized as aforesaid, shall make such requisitions upon the stockholders as they may deem necessary, and provide such forfeitures, not exceeding the stock paid in, for the non-payment of the stock or instalments thereon, as they may think conducive to the interest of said incorporation, or may maintain an action of debt, in the name of the board of di-

rectors of the South Bend bridge company, without using the individual names of the directors, for any balance or instalments upon stock that may be in arrears under the orders, rules, and requisitions of said board, and may sell any forfeited shares of stock, upon such terms as they may deem most for the advantage of the incorporation; and shall moreover have power and authority to appoint such other officers, and provide such rules for their government, as they may think necessary.

SEC. 6. Any vacancy that may occur in the board of directors, shall be filled by the residue of said board at their next meeting after such vacancy occurs. Vacancies
how filled.

SEC. 7. That when said bridge is erected and completed, the president and directors shall have a right to fix rates of toll, for paying over the same, and to collect the same from all and every person or persons passing thereon, with their goods, carriages, or animals of every kind and description: *Provided*, the rates of toll shall not exceed the following: for each four wheeled carriage drawn by two horses or oxen, twenty-five cents, and each additional horse or ox that may be attached to such carriage or carriages, six and a fourth cents; for one horse attached to a two or four wheeled carriage and driver, eighteen and three-fourth cents; for man and horse, twelve and a half cents; for foot passengers, six and a fourth cents; for each head of neat cattle, three cents; for each head of hogs or sheep, one cent. And the president and directors shall, from time to time, reduce the rates of toll, so that the nett profits shall not exceed twenty-five per centum per annum, after the proper deductions are made for repairs, insurances and other charges. Toll gates may be kept at one end of the bridge, and the rates of toll shall be posted up at some conspicuous place, where the same is demanded. Rates of toll.

SEC. 8. That if any person or persons, shall wilfully and knowingly do any act or thing whatever, whereby the said bridge or any thing thereto belonging shall be injured or damaged, the said person or persons so offending, shall forfeit and pay three times the amount of the damages sustained, with costs of suit, recoverable before any court of legal and lawful jurisdiction; and any person or persons who shall pass or attempt to pass said bridge without paying the toll or tendering it, if there be any person present to receive it, shall forfeit and pay three times the amount of the toll or tolls, which he, she, or they were liable to pay for passing said bridge, recoverable before any justice of the peace in this state; and if any person or persons, shall wilfully set fire to said bridge, or burn the same or any part thereof, the person or persons offending, with their aiders Forfeiture for
doing dam-
age to bridge.

and abettors, shall be guilty of arson, and punished accordingly.

Stock certificates, assignable.

SEC. 9. That certificates of stock in said company shall be issued under the seal of said company, in the form and manner that shall be designated by the by-laws of the company, which shall designate the mode of transfer.

Navigation not to be obstructed.

SEC. 10. Nothing in this act contained, shall be so construed as to authorize the said company to obstruct the navigation of the Great St. Joseph river aforesaid.

CHAPTER XCVIII.

An Act to amend the act, entitled "an act to incorporate the Richmond, Eaton, and Miami Rail Road Company," approved February 3, 1832.

[APPROVED, FEBRUARY 2, 1833.]

Power to construct a turnpike in lieu of a rail road.

Be it enacted by the General Assembly of the State of Indiana, That the persons named in the first section of the act to which this is an amendment, together with those who may hereafter become stockholders, and their successors and assigns, are hereby vested with full power and authority to construct a turnpike road, in lieu of the rail road contemplated by the act aforesaid, if they should deem such change expedient; and the persons incorporated by said act, shall have power to change the name and style of said road to "The Richmond, Eaton, and Miami Turnpike Road." The said company shall in the location and construction of said turnpike road, be governed in all respects by the provisions of the act to which this is amendatory, so far as the same may be applicable to a turnpike road.

When to be in force.

This act to take effect and be in force from and after it shall have been reciprocated by a similar act of the legislature of the state of Ohio.

CHAPTER XCIX.

An Act to amend "an act to appropriate part of the three per cent. fund, and for other purposes," approved February 10, 1832.

[APPROVED, DECEMBER 28, 1832.]

Be it enacted by the General Assembly of the State of Indiana, That Asabel Woodard, heretofore appointed by the provisions of the aforesaid act to appropriate one hundred

dollars of the three per cent. fund on the Centreville state road in the county of Henry, be and he is hereby directed to appropriate the same on the state road located from Washington in Wayne county, to New Castle in Henry county, and to be governed in every respect as directed by the act to which this is an amendment.

This act to take effect and be in force from and after its passage.

Application of \$100 of 3 per cent. fund changed in the county of Henry.

CHAPTER C.

An Act to incorporate the Harrison and Indianapolis Turnpike Company.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Pursell of Dearborn county, George Sutton, John Quick, Richard Tyner, David Mount, and Joseph Anderson of Franklin county, Joseph Nichols and William J. Brown of Rush county, Willis Atherton of Marion county, and David Tracy of Shelby county, and their successors in office duly elected, as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of "The President and Directors of the Harrison and Indianapolis Turnpike Company," shall be able and capable in law and equity, to defend and be defended, answer and be answered unto in any and all courts of justice whatsoever; to make and use a common seal, and the same to alter, change or renew at pleasure; and shall be able in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this state.

Corporation created.

Name and powers.

SEC. 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock if necessary, to accomplish the objects herein contemplated.

Stock.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation by electing one of their own body to be president, and after such organization, any three of said board shall be a quorum to do business, but after an election for directors, it shall require five to form a quorum.

Directors to organize and elect a president.

Quorum.

Agents, &c.

Journal.

Adjournments

Vacancies.

Books for subscription, when to be opened, &c.

Form of entry

Who may subscribe for stock.

May borrow money.

Requisitions.

Election for directors.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect this act. They shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers and all others in their employment; which journal shall from time to time be read, corrected, and signed by the president. They may sit on their own adjournments, or on the call of the president. When the president is absent, they may appoint a president pro tempore. They shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock at such time and such place or places as they may choose, due notice of which shall be given in some public newspaper in this state; in each of which books the following entry shall be made:

"We, the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportions and at such time as the president and directors of the Harrison and Indianapolis Turnpike Company may direct. Witness our hands this — day of —"

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body to subscribe for any amount of the capital stock; and the said corporation may, by an agent, offer for sale in every other state any amount of stock upon such terms and conditions as may be thought advisable; and they shall have power on their own credit to borrow money upon such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but the amount required shall be made known at the notice for opening the books, and any future payments on the stocks shall be under the control of the corporation.

SEC. 7. As soon as five hundred shares are subscribed for, and five dollars paid on each share, it shall be the duty of the corporation to give three weeks notice thereof in some newspaper in this state, and in such notice appoint a time and place for the stockholders to meet and elect eleven directors, who shall be stockholders and citizens of this state, and which election shall be by ballot, conducted under the superintendence of one inspector and two judges appointed by the stockholders present, and the persons having the highest number of votes for directors shall be declared duly elected. No share shall confer a right to vote at any election unless the same shall have been held one month pre-

vious to the election: in all elections each share shall entitle the holder to one vote only, to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, or trustee, or guardian, or by the agent of any corporation, or any person having a right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as may be convenient, and elect one of their body to be president. The president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and qualified.

SEC. 9. All elections after the first shall be held on the first Mondays of January annually, under the direction of the stockholders present; of which election notice shall be given; but should no election be held on the day appointed by this act or by the directors for the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk. The stock shall be transferable on the books of the corporation only, or by an agent or attorney, or by the administrator, executor, trustee or guardian; but such stock shall be at all times holden by the corporation for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such portions of the stock subscribed, not exceeding twenty-five per centum every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty day's notice in some newspaper of this state, or by giving written notices to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent, for the amount due and called for, in any court of competent jurisdiction, and recover the amount with two per centum interest thereon per month; and if the amount cannot be made on execution, or if such delinquent is out of the state, then the corporation may, by an order on their books, declare such stock forfeited to the corporation with whatever amount may have been paid thereon; and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock, until the corporation is fully satisfied. The corporation shall

Duty and term of office.

Annual meeting to be in January.

Certificates of stock.

Requisitions on stockholders.

Bonds of officers. require of all officers and others in their employ, bonds with security as they may think proper, for the faithful performance of their respective duties.

Route of road. **SEC. 12.** The corporation by their agents shall have power from time to time, to examine, survey, mark, and locate the road for a turnpike road from the town of Harrison in Dearborn county, to New Trenton, Brookville, Rushville, Morristown in Shelby county, and to Indianapolis the seat of government of Indiana, on the most eligible and suitable ground, commencing at the said town of Harrison, with full power to diverge from a direct line between the points named, where more favorable ground can be had for the construction of said road, the same to be not more than sixty feet in width. It is further *provided*, that said road be divided into three sections, as follows, to-wit: All that part of said road from Harrison to Brookville, shall be taken and considered the first section; that part from Brookville to Rushville, to be taken and considered the second section; and that part from Rushville to Indianapolis, the seat of government of Indiana, to be taken and considered the third section of said road. And the said corporation shall have full power and authority to open books for the subscription of stock for the entire construction of said road its whole length; or the said corporation may open books for the subscription of stock to be subscribed for the constructing and completing the first, second, or third sections of said road, as the case may be, beginning with the first divisional section, as the said corporation may deem most advisable under the regulations and provisions of this act.

Width.
Road to be divided into 3 districts.
Books may be opened for the whole or any section of said road.
SEC. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents or persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the constructing of said road; but no stone, gravel or other materials shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

Authority given to enter upon lands &c.
Relinquishment of land. **SEC. 14.** It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction of said road, as also the stone, gravel, timber and other materials that may be obtained on said route; and may contract for stone, gravel, timber, and other materials that may be obtained from any lands near thereto, to receive by donations, gifts, grants, or bequests, lands, money, labour, property, stone, gravel, wood or other materials for the benefit

of said corporation; and all such contracts, relinquishments and donations, gifts, grants, or bequests, made and entered into in writing by any person or persons able in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may and shall have their action at law in any court of competent jurisdiction, to compel a compliance thereto: *Provided*, that all such contracts, relinquishments, donations, gifts, grants, &c. and bequests, shall be made in writing, by the party making the same.

SEC. 15. That in all cases where any person, through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such circumstances may occur or exist, and such justice shall thereupon summon the owner of such land to appear before him on a particular day within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the lands or materials; and after having taken into consideration the advantages as well as disadvantages, the road may be to the same, report thereon whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shewn; and in case either party shall show sufficient cause, why judgment shall not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, either may, at any time after the rendition of the judgment, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final when rendered.

SEC. 16. And in all cases, where the owner or owners of such lands or materials, shall be minors, insane persons, or reside out of the county where such land may be, such justices shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person should appear on the day named in said notices, such justice shall adjourn the same until that day two weeks, at which time he shall proceed, as if such person or persons had been duly notified to attend; and on such judgment being rendered, and the corporation complying therewith by the payment of costs or damages or both a-

Damages for passing thro' land, how assessed.

Proviso.

Proceedings when the owner is a minor

warded against them, the corporation shall be seized of the lands or materials: costs shall be allowed or awarded against either party at the discretion of the justice.

Route may be laid on state or county road.

SEC. 17. If it shall be found necessary to the construction and location of said road the corporation shall have the right to lay the same along and upon any state or county road: *Provided, however,* before such location shall be made the corporation shall apply to the county commissioners in their respective counties through which the said road shall run, for such right; and the said county commissioners are hereby vested with power to grant to said corporation such right, and shall enter the same on the records of said county or counties, as the case may be.

Right of way vested in corporation.

SEC. 18. That when said corporation shall have procured the right of way, as herein provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same, for the purposes aforesaid; and no person, body corporate or politic, shall in any way interfere with, molest, injure, or disturb any of the rights and privileges hereby granted.

Commencement and completion of the work.

SEC. 19. The corporation shall commence the construction of said road within five years, and complete the same within twenty years from its commencement: *Provided, however,* that if any one of the sections of said road shall be completed within the time aforesaid, the charter shall not be forfeited as to that part of said road so completed, although the residue of said road may not have been completed within the time aforesaid.

Dimensions.

SEC. 20. The corporation shall cause said road to be opened not exceeding sixty feet wide; at least twenty feet of which shall be made an artificial road composed of stone, gravel, or other suitable materials well compacted together, in such manner as to secure a firm, substantial, and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair; and in no case shall the assent in the road be greater than an elevation of five degrees.

Plat to be deposited in secretary's office.

SEC. 21. That when said road or any particular section thereof shall be located, it shall be the duty of said corporation to cause a plat or plats thereof to be deposited in the office of the secretary of state; and after that time it shall not be lawful for said corporation to alter or change any part thereof, unless said corporation pay the owner or owners of land on said route the amount of damages they may sustain by such change.

Forfeiture.

SEC. 22. That if said road after its completion or any section thereof shall be suffered to go to decay, or be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

SEC. 23. So soon as the said corporation shall have

completed the road as aforesaid, or any section thereof, or ten miles of any section beginning at Harrison, and so on from time to time as often as ten continuous miles of said road shall be completed, an agent shall be appointed by the governor, if not otherwise directed by the legislature, [who] shall on the application of the corporation examine the same and report his opinion in writing to the corporation; and if such report shall state the road or any ten continuous miles of the same to be completed agreeably to the provisions of this act, the corporation may then erect a gate or gates at suitable distances apart, not less than ten miles, and demand and receive of persons travelling said road the tolls allowed by this act.

Agent to be appointed by the governor.

SEC. 24. The following shall be the rates of tolls for each and every ten miles of said road, and in the same proportion for a greater or less distance, to wit: for every four wheeled carriage, wagon or other vehicle, drawn by one horse or other animal, eighteen and three-fourth cents; for every horse or other animal in addition, six and one-fourth cents; for every cart, chase, or other two wheeled carriage or vehicle, drawn by one horse or other animal, twelve and a half cents; for every horse or other animal in addition, six and a fourth cents; for every sled or sleigh, drawn by one horse or other animal, twelve and a half cents; for every horse or other animal in addition, six and a fourth cents; for every coach, chariot, or other four wheeled pleasure carriage drawn by one horse, twenty-five cents; for every additional horse, twelve and a half cents; for every horse and rider, six and a fourth cents; for every horse, mule, or ass six months old and upwards, led or driven, three cents; for every head of neat cattle, six months old and upwards, one cent: *Provided,* that all persons going to and returning from public worship, and all militia men going to, and returning from musters, and all funeral processions shall pass said road, free of toll: *Provided, also,* that the legislature may at any time after the expiration of ten years, from the time of the completion of said road or any section thereof, make any reasonable alteration in the rates of toll aforesaid.

Rates of toll.

Proviso.

Rights reserved.

SEC. 25. If any person or persons using said road shall, with intent to defraud said company, or to evade the payment of toll, pass through any private gate or bars, or along any other ground near to any turnpike gate, which shall be enclosed, pursuant to this act, or shall practice any fraudulent means with intent to evade or lessen the payment of such toll, or if any person shall take another off said road with an intent to defraud said corporation, each and every person concerned in such fraudulent practice, shall for every such offence, forfeit and pay to the corporation, the sum of five dollars without any stay of execution, to be recovered

Penalty for defrauding the company out of toll, &c.

ed with costs of suit in an action of debt, at the suit of the corporation, before any justice of the peace of the county: *Provided*, that nothing in this act shall be so construed as to prevent persons residing on said road, from passing thereon, about their premises between the gates, for common and ordinary business.

Proceedings where the corporation fails to keep the road in repair.

SEC. 26. If the said corporation shall fail, for ten days in succession, to keep said road in repair, and complaint thereof be made to a justice of the peace of the county, it shall be his duty forthwith to summons three disinterested, judicious freeholders to examine the same; and he shall give notice to the toll-gatherer at the nearest gate, of the time when said freeholders will proceed to examine that part of said road complained of; and the said freeholders, after having taken an oath or affirmation, to act impartially, shall proceed in the examination, and if they shall find the same out of repair, they shall certify it to a justice of the peace, who shall immediately transmit a copy of such certificate to the nearest toll-gatherer, where such defective part of the road lies; and from the time of receiving such notice, no toll shall be demanded or received for such part of the road, until the same shall be put in complete repair, under the penalty of five dollars for every such offence, to be recovered of said corporation, with costs of suit, and for the use of the party aggrieved.

Penalty for injuring road &c.

SEC. 27. If any person shall wantonly or wilfully destroy or in any manner injure, or obstruct any part of said road, or any gate thereon, otherwise than in the just and lawful use thereof, every person shall on conviction thereof before a justice of the peace of the county, be liable to a fine of not more than fifty or less than five dollars for every such offence, to be recovered in an action of debt at the suit of the state of Indiana, to go to the county seminary fund in the county where the injury may have been committed; and such offender moreover shall be liable for all such damages to the corporation, and for injury accruing to travelers in consequence of any such unlawful damage to or obstruction of the road. All damages and costs, under this section shall inure to the parties entitled to the same, [and] shall be collected by execution, without any delay or stay of execution, before any court having competent jurisdiction thereof.

Mile posts.

Rates of toll to be posted up.

SEC. 28. The company shall put up a post or stone at the end of each mile, with the number of miles from fairly cut or painted thereon, and also in a conspicuous place, near each gate, shall be placed a board with the rates of toll fairly painted thereon, and such other matter in relation to direction as may be necessary.

SEC. 29. Any person wilfully destroying, defacing or

removing any guide board, mile post or stone, or list of rates of toll, erected on said road, shall on conviction thereof before a justice of the peace, forfeit and pay a sum, not exceeding ten dollars, to be recovered with costs of suit, in an action on the case, at the suit, and for the use of the corporation. *Penalty for injury to mile posts, &c.*

SEC. 30. If any toll gatherer on said road, shall unreasonably detain any passenger, after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence, forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit before any justice of the peace having competent jurisdiction, at the suit of the party injured: *Provided*, that no suit or action shall be brought against any person or persons, for any penalty incurred under this section, unless such suit or action shall be commenced within thirty days from the time of incurring the same; and the defendant or defendants in any such suit or action, may plead the general issue, and give this act in evidence with any other special matter. *Penalty for unreasonable detention, &c.*

Limitation.

SEC. 31. The corporation shall cause to be kept a fair account of the whole expense of making and repairing said road or any section thereof, with all incidental expenses; and also a fair account of the toll received; and the state shall have the right to purchase the stock of said company at any time after twenty years, on paying said corporation a sum of money, which, together with the toll received, shall equal the costs and expense of said turnpike road as aforesaid, with an interest of twelve per centum per annum; and the books of the corporation shall always be open for the inspection of any agent of the state appointed for that purpose by the legislature; and if the said corporation shall neglect or refuse to exhibit at any time, their accounts agreeably to this section, when thereto required, then all the rights and privileges, granted by this act, shall cease, and be at an end. *Accounts.*

Rights reserved to the state.

Books subject to the inspection of an agent of the state.

SEC. 32. The said corporation shall be, and are hereby authorized and empowered to demand and receive the same toll and proceed in the same manner to collect the same from the driver, owner or owners of any stage, carriage or sleigh, in which shall be conveyed the mail of the United States, as they have, by this act, a right to do, from the drivers of similar carriages and sleighs, drawn by the same number of horses, in which no mail is carried, any law to the contrary notwithstanding: *Provided*, that nothing herein contained shall be so construed as to empower said corporation, their agent or agents, to stop or detain any person, carriage, sleigh, or horse, while actually employed in the conveyance of said mail. *U. S. mail coaches, &c. to pay toll.*

Proviso.

Certain coun- ty com'rs may authorize stock to be taken. SEC. 33. It shall be lawful for the county commissioners of each and every county through which said road may run or pass, for, and on behalf of such county, to authorize by an order, as much of the stock to be taken as they may think proper.

Limitation of charter. SEC. 34. This charter is to be limited to fifty years in its duration.

Act, public. SEC. 35. This act to be in force from and after its passage, and shall be taken and considered a public act in all courts of record within and out of this state, as also in courts of justices of the peace, and shall be beneficially construed.

CHAPTER CL.

An Act to incorporate the Charlestown and Ohio Turnpike Company.

[APPROVED, JANUARY 29, 1833.]

Com'rs. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John S. Simonson, David W. Dailey, John Austin, James Shockley, John Deuthet, Henry Herod, Hezekiah Robertson, John Work, sen., George Hucklebury, Stephen Henley, Alivitious T. Greene, Andrew Rodgers and James Sharp, be, and they are hereby appointed commissioners under the direction of a majority, by whom subscriptions may be received to the capital stock of the Charlestown and Ohio Turnpike Company, hereby incorporated.

Books to be opened for subscriptions. SEC. 2. That so soon as said commissioners or a majority of them shall have organized themselves by written articles of association for the government of the said company, in which this act shall be recognized, they may cause books to be opened at such places as they or a majority of them may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given at least twenty days notice, in such manner and at such places as they or a majority of them may direct, of the times and places of opening said books of subscription; and if any of the said commissioners shall die, resign or refuse to act, during the continuance of the duties required of them by this act, another may be appointed in his or their stead by the remaining commissioners, or a majority of them.

Stock. SEC. 3. That the capital stock of said company shall amount to six thousand dollars, divided into shares of twenty-five dollars each.

Election of directors. SEC. 4. That whenever a sufficient amount of stock shall be subscribed to complete said road, at twenty-five dollars per share, it shall be the duty of said commissioners to call a

meeting of the stockholders at such time, at the court house in Charlestown, as they may think proper, for the purpose of electing directors for said company; and upon a majority of two-thirds of such stockholders being present, personally or by their proxy, it shall be their duty to go into the election of seven directors, who shall hold their offices one year, and until their successors are elected.

President &c. SEC. 5. Whenever a board of directors of said company shall have been elected, it shall be the duty of said board to proceed forthwith to elect, from their own body, a president, and from the stockholders a secretary and treasurer, who shall be styled the Secretary and Treasurer of the Ohio and Charlestown Turnpike Road Company, and from thenceforth, the said company shall be a body politic and corporate, and as such known in law and in fact, by the name, style, and description of the President and Directors of the Ohio and Charlestown Turnpike Road Company, and as such shall be capable of suing and being sued, pleading and being impleaded, both at law and in equity, and to have and possess all other rights and privileges, appertaining to incorporated bodies.

Corporation created. SEC. 6. The corporation hereby organized shall hold an election once a year for directors, who are to be voted for by the stockholders, each having one vote for each share of stock he may hold at the time of such election, to the number of *ten*; and one vote for every *four* shares over ten; which election shall be governed by the by-laws, that may be made and adopted by the president and directors of said company.

Name and powers. SEC. 7. The president and directors of said company shall, at their first meeting, make and ordain by-laws for the government and regulation of said company, and may, from time to time, make such additions and alterations thereto as they may deem expedient, not inconsistent with the constitution or laws of this state; and shall establish by said by-laws, the instalments on stock, when and in what proportions the same shall be payable: *Provided, however*, that no stockholder at their first meeting shall be entitled to vote for directors, until such stockholder shall have paid ten per cent. on the amount of stock by him subscribed.

Annual election for directors. SEC. 8. The said company, when organized, shall be authorized to make and construct a turnpike road on that part of the state road from McDonald's ferry to Brownstown, which lies between the town of Charlestown and the Ohio river, in the first section of this act specified. The plan of said road, and the tolls thereof to be first agreed upon between the said company and the board doing county business in the said county of Clark, and recorded in the clerk's office of said county; and the board or court doing county

By-laws.
Route of road, &c.
Agreement with county board.

business in the said county of Clark, are hereby authorized to stipulate with the said company, or its agent properly authorized, concerning said road, how and in what manner the same is to be constructed, and what tolls may be demanded and received of persons using the same; which stipulations shall be signed by the president of said company, and by the members of the court doing county business aforesaid, and be irrevocable without the consent of both parties.

Construction,
where to be
commenced.

SEC. 9. When the said company shall be organized as above provided, and shall have arranged the manner of constructing said road, and the tolls to be received for travelling thereon, with the said county of Clark, the said company shall from thence forward be allowed to proceed in the construction of the same in such manner as the president and board of directors shall direct, and shall make contracts, receive proposals for the construction thereof, in such manner and by such agent or agents as the by-laws of said corporation shall ordain; and whenever such by-laws shall be agreed on, a copy thereof shall, before they shall be considered in force, be filed in the clerk's office of the county of Clark aforesaid.

Duration and
further powers.

SEC. 10. The said company when organized as above, shall have perpetual existence as a body politic and corporate, and for the use and benefit of such corporation, shall have full and ample power to purchase or receive, by gift or grant in its corporate name, all necessary materials for the construction of said road, and shall be authorized to erect toll gates thereon, at such places as may be, by and between the said company and the said county, agreed upon.

Individual liability.

SEC. 11. The said company shall be answerable for all contracts they may make, by their agent or agents, in their individual property, to the value of stock by them held at the time of said contract, and shall be answerable for all trespasses and waste that they may make or cause to be made in the construction of said road; and when the same is completed, it shall be and remain vested in the said president and directors and their successors in office, for the use and benefit of said company.

Transfer of stock.

SEC. 12. The president and directors shall have power to regulate the manner of assigning or transferring stock of said company or corporation; and in case of any vacancy in the board of directors, the residue of said directors shall fill such vacancy until the next meeting of the stockholders of said company for the purpose of electing directors; and it shall be the duty of the president and directors by their by-laws, to provide for the election of all officers once a year; and also in said by-laws to provide the manner of giving notice, where it is made the duty of the board of directors or

Vacancy.

Duty of president, &c.

others concerned, to give notice, whether in a public newspaper or otherwise.

SEC. 13. The president and directors or a majority of Oath. them, may require such oath or affirmation of any of their officers or agents as to them may seem proper; which oath the president is hereby authorized to administer. They Bonds. may require from the treasurer, toll gatherers, and others employed by them, such bonds in such penalties, and with such securities as the said president and directors or a majority of them shall direct, conditioned for the true and faithful performance of the several trusts reposed in them. The said president and directors shall cause to be kept a Record. fair record of their proceedings relative to the business of the company, which shall at all times be open to the inspection of any person interested.

SEC. 14. That any three or more of the stockholders of Called meeting. said company, owning at least one hundred dollars of the capital stock, shall have the power of calling a special meeting of the stockholders at the usual place of general meeting, by giving at least twenty days notice of such intended meeting by advertisement as required by this act, in which notice shall be set forth the objects and reasons for calling such meeting; that at such called meeting of the stockholders, a majority of those present may require a fair and clear exhibit and statement of all the affairs of the company from the president and directors, whose duty it shall be to furnish them when thus required; and that at all such meetings of the stockholders, a majority (in value) of the whole stock in said company concurring therein, may remove from office any president, or any of the directors of said company, and may elect others in their stead.

SEC. 15. That when any subscriber shall fail or neglect Instalment, penalty for non-payment of. to pay any instalment on his stock called for by the company, after thirty days notice having been given of the time and place of payment, in manner required by the by-laws of said company, shall for every month which the same remains unpaid, forfeit and pay to the said company, five per cent. on the amount of such instalment; and it shall be the duty of the said president and directors, after three months have elapsed after the same becomes due and payable, to sue for and collect the said deficient instalment with interest, penalty and costs thereon from the time such instalments had become due: and should any instalments remain due and unpaid for the space of one year after the same become due and payable, the said president and directors may, after giving thirty days notice of the time and place, proceed to sell the stock of said delinquent subscriber for the best price that can be got for the same; and if the proceeds of any such sale shall exceed the amount demanded and

due to the company thereon, the surplus, after paying the expense of sale, shall be paid to the subscriber so failing, or to his legal representative; and the purchaser at such sale shall become stockholder, and subject to the same rule, and regulations, and entitled to the same privileges, rights and emoluments as original subscribers under this act; and no delinquent stockholder shall have a right to transfer any share or shares in said stock, or to vote at any meeting of the company, or to receive any dividend or profit arising from said stock, or any shares for which he or she may be delinquent.

Penalty for evading the payment of toll.

SEC. 16. That if any person or persons using said road shall, with intent to defraud the company or to evade the payment of toll, pass through any private gate or bars on any other way near to any gate which shall be erected on said turnpike road, in pursuance of this act, with intent to defraud said company, each and every person concerned in such fraudulent practices, shall for every such offence, forfeit and pay to the company, the sum of five dollars, without stay of execution, to be recovered with costs of suit in an action of debt, at the suit of said company, before any justice of the peace in said county: *Provided*, that nothing in this act shall be [so] construed as to prevent persons using said road between the gates, for neighborhood purposes.

Shall be so constructed as not to impede travelling on roads crossing it &c.

Persons-exempt from paying toll.

Half toll.

Rates to be posted up &c.

SEC. 17. The said president and directors of the Charles-town and Ohio Turnpike Company, shall cause said road to be so constructed, that whenever it shall or may be necessary for roads that are already established, to cross or intersect the same, so as not to impede the progress or transportation of persons or property along the same: *Provided however*, that all persons going to, and returning from public worship on the Sabbath, and funeral processions, all militia men going to and returning from their respective muster ground on days of training, jury men going to, and returning from court, all persons conveying the public mails of the United States, and all persons travelling said road on the fourth day of July, shall pass on said road free from the payment of toll. The said company shall be allowed, when they may have completed said road, one half the way, to charge half tollage; and it shall be the duty of said company to post up in a conspicuous place near each gate, a board with the rates of toll fairly painted thereon, and directions to "keep to the right as the law directs;" and any person wilfully defacing or destroying any guide board, or painted list of rates of toll, erected on said road, shall, on conviction thereof before any justice of the peace in the county, forfeit and pay a sum not exceeding ten dol-

lars, to be recovered with costs of suit, in an action on the case, at the suit, and for the use of the said company.

SEC. 18. The said company shall have power to have Seal. and use a common seal, and the same to alter at pleasure; and the said company shall be authorized, if they deem it expedient, to extend the said road through the said town to the limits of the corporation on the north west side of said town, along and through the street which is known and designated on the plan or map of said town, by the name of Market-street. Road may be extended.

SEC. 19. Should the board doing county business for Clark county, at any session before said road is commenced, so determine, they shall have the power to declare this act null and void, and to construct either a clay or stone turnpike road between the points aforesaid, for which object they may appropriate a part of the three per cent. fund, now or hereafter to be allowed to said county of Clark, together with such donations and subscriptions as may be made for that purpose; and in that event the road shall be free to all persons travelling the same. Power reserved to county board.

SEC. 20. After the expiration of twenty years, the board doing county business for Clark county, shall have the privilege of purchasing said road (should the same have been constructed by said company as aforesaid,) to and for the sole use and benefit of said county, by paying to the stockholders the par value of their stock, and may thereupon make the same a free road, for all persons travelling the same. Further privileges to the county board.

This act to take effect and be in force from and after its passage.

CHAPTER CII.

An Act to amend the act, entitled "an act for opening and repairing public roads and highways," approved February 10, 1831, and for other purposes.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever hereafter it becomes necessary to have a review of any county road, pursuant to the seventh and eighth sections of the act to which this is an amendment, a report thereof being made to the board doing county business, when such review is had upon such report, if in the opinion of the court before whom it is made, the damage assessed in such review, is unreasonable, they may set such review aside, or order a second review should they think best. That so much of the ninth section of the County board may order a 2d review of county road.

Repeal.

act to which this is [an] amendment as comes within the purview of this act, be and the same is hereby repealed.

Penalty for horse racing, &c., along or across public roads.

SEC. 2. That hereafter, every person who shall be found horse racing along or across any state or county road, or other public highway within this state, or be found shooting at a mark along or across either of the above named public highways, shall upon conviction thereof before any justice of the peace, be fined in any sum not exceeding three dollars.

This to be in force from and after its publication.

CHAPTER CHII.

An act to amend an act entitled "an act for opening and repairing public roads and highways," approved February 10, 1831.

[APPROVED, FEBRUARY 1, 1833.]

County commissioners to make allowance to supervisors.

Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of the several counties in this state, be and they are hereby authorized and required to make to supervisors of public roads and highways, in their respective counties, for their services as supervisors, such compensation as the said boards of commissioners in their discretion shall deem reasonable and just, taking into consideration only such services as they shall have performed over and above what would have been of them required, had they not have been supervisors of the public roads and highways; which compensation shall be paid out of the county treasury: And that the sixteenth section of an act entitled "an act for opening and repairing public roads and highways," approved Feb. 10, 1831, be, and the same is hereby repealed.

The 60th section of act of '31, repealed.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

CHAPTER CIV.

An act supplemental to an act entitled "an act to authorize the building of bridges across Lick Creek and Salt Creek," approved January 29, 1830.

[APPROVED FEBRUARY 2, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the sum of one hundred and four dollars and six-

ty-five cents, now due and heretofore appropriated to road No. 8, be and the same is hereby applied to aid in the building and completion of the bridge over Salt creek in Lawrence county, where said road crosses the same; and William Kelsey is hereby appointed commissioner to receive said money, and to apply the same to the building and completion of said bridge as herein contemplated.

This act to be in force from and after its passage.

CHAPTER CV.

An Act providing for the construction of a bridge over Mill Creek in Owen county.

[APPROVED, FEBRUARY 2, 1833.]

Whereas, it is represented that pursuant to the provisions of an act entitled "an act authorizing the laying off of certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund, for opening the said roads," approved Dec. 31, 1831, a bridge was built, or contracted to be built over Mill Creek in Owen county, where the state road from the Highlands on White River to Washington, thence to Burlington, thence to Spencer, thence to Indianapolis, crosses the same, under the direction and authority of all or some two of the commissioners appointed for said road; and whereas, it is further represented, that owing to the insufficiency or want of completion of said bridge, on the relation of said commissioners or of some two of them in the Owen circuit court, against the person or persons liable for such insufficiency or want of completion, and the said damages for at least a part thereof, have been collected—Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John M. Young of said county be, and he is hereby appointed a commissioner, who, after giving bond in the penal sum of three hundred dollars payable to the state of Indiana, with security to be approved by the board doing county business for said county, and filing the same in the office of their clerk, conditioned for the faithful performance of the duties required of him by this act, shall [be,] and he is hereby authorized, in the name of the state of Indiana, to demand, sue for, recover, and receive the said damages, or any part thereof, of and from any person or persons who may have collected or received the same, or who may hereafter collect or receive the same.

J. M. Young,
commissioner

Bridge to be
let to lowest
bidder.

SEC. 2. The said commissioner, after giving twenty days' notice by written advertisements set up at three of the most public places in said county, shall offer by public outcry to the lowest bidder, the construction of a bridge over the said creek, where said road crosses the same, of such materials, proportions, and workmanship, and to be finished at such time as said commissioner may direct; and they [he] shall thereupon take from the lowest bidder bond with security to be by him approved, payable to said state, in the penalty of three hundred dollars, conditioned for the construction of such bridge, pursuant to the requisitions of the foregoing section; and said commissioner is hereby authorized to pay over to said lowest bidder, after he shall have completed said bridge in manner aforesaid the amount of his bid out of such damages so recovered, expending the surplus, if any, on said road within the bounds of said county, under the direction of said board doing county business.

Vacancy. SEC. 3. Should a vacancy in the office of said commissioner occur, whether by refusal to act or otherwise, said board doing county business are authorized to fill the same.

Compensation.

SEC. 4. Said commissioner shall receive such compensation for the services required of him by this act as the board doing county business for said county may allow, and shall report his proceedings under this act, with his vouchers, to the board doing county business for said county, after entering upon the duties of his office at each term [of] said board, including the final report at the term next after the completion of said bridge.

Report.

Repeal.

SEC. 5. The act entitled "an act providing for the construction of a bridge over Mill Creek in Owen county," approved January 24th, 1831, be, and the same is hereby repealed.

CHAPTER CVI.

An Act to authorize the location of a state road leading from Lafayette in Tippecanoe county to intersect a state road leading from Delphi in Carroll county to Lake Michigan.

[APPROVED, JANUARY 18, 1833]

Commissioner

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Armstrong of the county of Carroll be, and he is hereby appointed to view, mark, and locate a state road, commencing at the public square in the town of Lafayette in the county of Tippecanoe, running

from thence northwardly, crossing the Wabash river at Route. what is called Davis' ferry, thence by or near to Moot's ford on Moot's creek, thence the nearest and best way to section sixteen in township number twenty-six, north of range three west, where the same will intersect a state road leading from Delphi in Carroll county to Lake Michigan.

SEC. 2. The commissioner aforesaid, on the first day of June next or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties required of him by this act, [shall proceed] to view, mark and locate said road, and shall make all necessary surveys, taking with him a sufficient number of chain carriers and markers for that purpose, and shall within thirty days after the location thereof cause a report of the same to be filed in the clerks' offices of the several counties through which said road may pass; and it shall be the duty of the boards doing county business therein to cause the same to be recorded in the record books of said counties within ten days thereafter.

SEC. 3. It shall be the duty of the boards doing county business in the counties aforesaid at their next meeting after the filing of said report, to cause the same to be opened any width not exceeding forty feet, in the same way and manner as is now, or may hereafter be provided for opening and repairing public roads and highways.

SEC. 4. Should a vacancy happen by death, resignation, or otherwise, it shall be the duty of the board doing county business in and for the county of Tippecanoe to appoint some suitable person to fill such vacancy, who shall take the same oath before entering upon the duties herein required, as is required of the commissioner herein appointed.

Duty of the
commissioner
—when to
commence.

County com-
missioners to
cause road to
be opened.

Vacancy.

CHAPTER CVII.

An Act to amend an act entitled "an act to prevent useless and expensive applications to the General Assembly relating to state roads," approved February 3d, 1832.

[APPROVED, JANUARY 24, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the fifth section of the act to which this is an amendment be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER CVIII.

An Act to locate a state road from Martinsville in Morgan county to intersect the state road leading from Madison to Indianapolis, at Edinburgh in Johnson county, by the way of Morgantown in said Morgan county.

Commissioner

[APPROVED, JANUARY 1, 1833.]

Route.

When duty of
commissioner
to commence.

Report.

Road to be
opened.

Vacancy.

Further duty
of road com-
missioner.

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Sims of the county of Morgan be, and is hereby appointed a commissioner to survey, mark, and locate a state road from Martinsville in the county of Morgan to intersect the state road leading from Madison to Indianapolis, at Edinburgh in the county of Johnson, by the way of Morgantown in said county of Morgan.

SEC. 2. The commissioner aforesaid shall proceed on the first Monday in June, or on some subsequent day, after having taken an oath faithfully and impartially to discharge the duty required of him by this act, to survey, mark, and locate said road, taking with him a surveyor and a sufficient number of chain carriers and markers for that purpose; and shall, within thirty days after the location thereof, cause a report of the same, together with the field notes, to be filed in the several clerks' offices of the counties of Morgan and Johnson, and it shall be the duty of the several clerks to record the same respectively.

SEC. 3. It shall be the duty of the boards doing county business in the counties aforesaid to cause said road to be opened any width not exceeding sixty feet nor under forty feet, in the same manner as is now or may hereafter be provided for opening public roads and highways.

SEC. 4. Should a vacancy happen by death, resignation, or otherwise, it shall be the duty of the board doing county business in the county of Morgan to appoint some suitable person to fill said vacancy, who shall take the same oath required of the commissioner now appointed.

SEC. 5. It is hereby made the duty of the several boards doing county business in the counties aforesaid, to make to the commissioner, surveyor, chain carriers, and markers such allowance as to them may seem reasonable; which shall be paid by the said counties in proportion to the length of said road in each county, out of the three per cent. funds or otherwise.

SEC. 6. Said commissioner is hereby required to locate said road on the nearest and best ground, having due regard to individual rights.

This act to be in force from and after its passage.

CHAPTER CIX.

An Act to repeal "an act to locate a state road from New-Albany to Lexington," approved Feb. 2, 1832.

[APPROVED, JANUARY 28, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the act entitled "an act to locate a state road from New-Albany to Lexington," approved Feb. 2, 1832, be, and the same is hereby repealed.

This act to take effect and be in force from and after its publication.

CHAPTER CX.

An Act to provide for establishing a state road from Covington to Russellville.

[APPROVED, JANUARY 22, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Richard Williams be, and he is hereby appointed a commissioner to locate, mark, and lay off a state road commencing at some convenient point in the town of Covington in Fountain county, Indiana, and running from thence on the nearest and best ground to Jacksonville on Mill Creek in said county, and from thence to Russellville.

SEC. 2. The commissioner aforesaid shall, if he thinks necessary, call to his aid a surveyor, markers, and chain carriers sufficient to carry the provisions of this act into execution, each of whom shall receive for his services a reasonable compensation to be paid out of the several county treasuries of the counties through which said road may pass, in proportion to the length of said road in each county, to be allowed by the county commissioners of the several counties, on the certificate of said road commissioner.

SEC. 3. It shall be the duty of the said commissioner to make, if surveyed, a plain survey and plat of said road, with the courses and distances of the same; or if only marked, a plain and full description of the ground by him designated and located as such road; a copy of which shall be returned by said commissioner into the clerks' office of each of said counties through which the same is located, or so much as is in each county.

SEC. 4. The said commissioner previous to entering upon his duties, shall take an oath faithfully to discharge the

Compensa-
tion.

Plat.

Oath of com-
missioner and

compensation same, and shall be allowed for his services one dollar per day for each day necessarily employed in locating said road, to be paid out of the county treasuries of the several counties through which said road is located, in proportion to the number of miles of the same in the counties through which it may pass.

Duties of commissioner when to commence. SEC. 5. The said commissioner is hereby required to enter upon the duties enjoined by this act on the first Monday of next March, or as soon thereafter as may be convenient. This act to take effect and be in force from and after its passage.

CHAPTER CXI.

An Act to establish a certain State Road therein named.

[APPROVED, JANUARY 5, 1833.]

Com'rs and route of road. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That George Waldroff, Merit Hubble, of the county of Dearborn, and John Whitehead, of the county of Ripley, be, and they are hereby appointed commissioners to view, mark and locate a state road, beginning at Harris in the county of Dearborn, and running thence on the nearest and best ground, via McKinsie's Cross roads, to intersect the Indianapolis and Lawrenceburg state road at or near Amos Boardman's, in Ripley county.

When to meet &c. SEC. 2. The commissioners aforesaid, shall proceed on the first Monday of June next, or on some subsequent day, first taking an oath, before some person authorized to administer the same, faithfully and impartially to discharge the duties required of them by this act, to view, mark and locate said road; and shall make all necessary surveys, by taking with them a surveyor, and a sufficient number of chain carriers and markers for that purpose, if they shall deem it necessary; and shall within thirty days after the location of said road, cause a report of the survey of the same to be filed in the clerks' offices of Dearborn and Ripley counties; and it shall be the duty of the clerks of said counties to record the same in the record books of the board doing county business, within twenty days after the receipt thereof.

Road to be opened. SEC. 3. It shall be the duty of the boards doing county business, in the counties aforesaid, at their next meeting after the filing of the said report, to cause the said road to be opened a reasonable width, not exceeding forty feet, in the

same way and manner as is or may be provided for opening public roads and highways.

SEC. 4. Should any vacancy happen by death, resignation or otherwise, of either of said commissioners, it shall be the duty of the board doing county business in the several counties aforesaid, to fill such vacancy; and the person or persons so appointed, shall before entering on the discharge of the duties required by this act, take an oath, as prescribed in the second section.

SEC. 5. It is hereby made the duty of the several boards doing county business in the counties before mentioned, to make to the road commissioners, surveyors, chain carriers and markers, such an allowance as to them shall seem just and reasonable, which shall be paid by the counties aforesaid, in proportion to the length of said road in each county, out of any moneys not otherwise appropriated.

SEC. 6. *And be it further enacted*, that the act entitled "an act to re-locate part of the Lawrenceburgh and Rushville state road in Rush county," approved, February 2d, 1832, be, and the same is hereby repealed: *Provided*, that nothing in this act contained, shall be so construed, as to affect any proceedings had under the provisions of the act, by this section repealed: *Provided also*, that all proceedings commenced agreeably to the provisions of the above named act, shall be carried on to final decision in the same manner as if this act had not passed.

CHAPTER CXII.

An Act to establish a State Road from John R. Crook's in Lawrence county, to intersect the Rockport State Road at Mark Trueblood's in said county.

[APPROVED JANUARY 22, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Robert Anderson be, and he is hereby appointed a commissioner to survey, mark and locate a state road from John R. Crook's in Lawrence county, to intersect the Rockport and Bloomington state road at Mark Trueblood's in said county.

SEC. 2. It shall be the duty of said commissioner, on the first Monday of April next, or on some subsequent day, after having taken an oath faithfully and impartially to discharge the duties enjoined upon him by the provisions of this act, to commence at said Crook's and proceed to survey, mark and locate said road agreeably to the provisions

of the first section of this act, and shall within twenty days thereafter, file in the clerk's office of the county aforesaid, a report of his proceedings, which shall within ten days after the filing thereof, be recorded by said clerk.

Road to be opened.

SEC. 3. The board of county commissioners of said county shall, at their first meeting after the location of said road, as herein contemplated, cause the same to be opened any width not exceeding forty feet, and made agreeably to and under the provisions of the law for opening and repairing public roads and highways.

Surveyor, &c.

SEC. 4. That said commissioner is hereby authorized and empowered to employ, if necessary, a surveyor, chain men and markers, to make said location, who shall each receive such compensation as the board of county commissioners may deem just and reasonable.

Compensation.

This act to be in force from and after its passage.

CHAPTER CXIII.

An Act to locate a State Road from Montezuma to intersect the State Road leading from Danville to Montezuma.

[APPROVED, JANUARY 18, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Siler be, and he is hereby appointed a commissioner to locate a state road commencing at the east end of the street running north of the public square, in the town of Montezuma, thence in a south-east direction, to intersect the state road located from Danville, by way of Rockville, to Montezuma, at or near the south-west corner of Samuel Hill's fence, on the line dividing the farms of Hill and Wilson.

Duty of commissioner, when to commence.

SEC. 2. The commissioner aforesaid, shall proceed on the first Monday in March next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties required of him by this act, to view, mark and locate said road, and shall make all necessary surveys, taking with him a sufficient number of chain carriers, markers, and a surveyor for that purpose, and shall within twenty days after the location thereof, cause a report of the same to be filed in the clerk's office of the county of Parke. It shall be the duty of the clerk of the county aforesaid, to record the same in the record book of the board doing county business, within ten days thereafter.

Road to be opened.

SEC. 3. It shall be the duty of the board doing county business, in the county aforesaid, at their next meeting af-

ter the filing of the said report, to cause the same to be opened a width not exceeding fifty feet, in the same way and manner, as is now, or may hereafter be provided for opening public roads and highways.

SEC. 4. It is hereby made the duty of the board doing county business in the county aforesaid, to make to the commissioner, chain carriers and markers, such allowance as to them may seem reasonable, which shall be paid by the county aforesaid, in proportion to the length of said road, out of any money not otherwise appropriated.

Compensation.

This act to take effect from and after its passage.

CHAPTER CXIV.

An Act to locate a State Road from Martinsville, in the county of Morgan, by the way of Cox's Mill and Solomon Dunagan's, in said Morgan county, to Stilesville, in the county of Hendricks.

[APPROVED, JANUARY 22, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Mordecai Miller of the county of Morgan, be, and is hereby appointed to mark, survey and locate a state road, on the nearest and best ground, having due regard to individual rights, from Martinsville in the county of Morgan, by the way of Coxe's mill and Solomon Dunagan's farm, in said Morgan county, to Stilesville in the county of Hendricks.

SEC. 2. *Be it further enacted*, That it shall be the duty of said commissioner, on the first Monday in June next, or on some subsequent day, to be in the town of Martinsville, and after having taken an oath, faithfully and impartially to discharge his duty as contemplated by virtue of this act, shall proceed to mark, survey, and locate said road agreeably to the provisions of the first section of this act.

Duty of commissioner when to commence.

SEC. 3. It is further enacted, that the commissioner aforesaid is hereby authorized to employ a surveyor, and a suitable number of chain bearers and markers, necessary to make said location. It is further made the duty of said commissioner, to keep an account of the number of days which he may necessarily be employed in locating said road; a copy of which shall be filed in the clerks' offices of the counties of Morgan and Hendricks aforesaid; and it is hereby made the duty of the board doing county business of said counties of Morgan and Hendricks, to make said commissioner, surveyor, chain bearers and marker, such reasonable compensation for their services as they may deem

Surveyor, &c.

Compensation.

proper, payable by said counties in proportion to the length of said road through each of said counties, out of the three per cent funds, or otherwise.

Report.

SEC. 4. *Be it further enacted*, That it shall be the duty of said commissioner, within thirty days after making said location, to make and file in the several clerks' offices of the counties of Morgan and Hendricks aforesaid, a report of his proceedings, together with a copy of the survey and field notes of said road; and it is made the duty of the several clerks to record the same respectively.

Road to be opened.

SEC. 5. *Be it further enacted*, And it is hereby made the duty of the boards doing county business, in the counties of Morgan and Hendricks aforesaid, to make an order for the cutting and opening of said road within their respective counties, not less than forty feet, nor over sixty feet wide; and also to assign to the several supervisors of the various road districts through which said road may run, a suitable number of hands to cut and open said road.

Vacancy.

SEC. 6. Should any vacancy happen by death, resignation or refusal to serve, of said commissioner, it shall be the duty of the board doing county business in the county of Morgan aforesaid, to appoint some suitable person to fill said vacancy, who shall take the same oath, as is hereby required of the commissioner now appointed.

This act to be in force from and after its passage.

CHAPTER CXV.

An Act supplemental to an act entitled, "an act for the location of a State Road from Wood's ferry, on the East branch of White River in Lawrence county, to Bloomfield in Greene county," approved January 24, 1832.

[APPROVED, JANUARY 22, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That so much of the state road mentioned in the act to which this is a supplement, as runs through Martin county, agreeably to the location made by the commissioners in said act, be, and the same is hereby declared a state road.

CHAPTER CXVI.

An Act for the location of a State Road from Chambersburg, in Fountain county, to Williamsport, in Warren county.

[APPROVED, JANUARY 22, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Hiram Jones, of the county of Fountain, be, and he is hereby appointed a commissioner to view, mark and locate a state road, commencing at Chambersburg in Fountain county, thence by way of Rob-Roy to Williamsport in Warren county.

SEC. 2. The commissioner aforesaid, shall proceed on the first Monday in May next, or [on] some subsequent day, after taking an oath, faithfully and impartially to discharge the duty required of him by this act, to view, mark and locate said road; and shall make all necessary surveys, by taking with him a surveyor, and a sufficient number of chain carriers and markers for that purpose, if he shall think it expedient, and shall within twenty days after the location thereof, cause a report of the same to be filed in the clerk's office of the county of Fountain; and it shall be the duty of said clerk to cause the same to be recorded in the record book of the board doing county business, within ten days thereafter.

Duty of commissioner, when to commence.

SEC. 3. Should a vacancy happen by death, resignation or otherwise, the board doing county business in the county of Fountain, shall have power to fill the same.

Vacancy.

SEC. 4. The commissioner aforesaid, shall receive for each day he may be employed in laying out said road, the sum of one dollar, to be paid out of the county treasury, together with all other reasonable expenses necessarily accruing from the location and survey of the said road.

Compensation.

This act to take effect and be in force from and after its passage.

CHAPTER CXVII.

An Act to establish a State Road from the Tobacco landing in Harrison county, by the way of Laconia to Corydon in said county, and for other purposes.

[APPROVED, JANUARY 22, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel Musselman, of the county of Harrison, be, and he is hereby appointed a commissioner to lo-

Route.

cate a state road, from the Tobacco landing in the county of Harrison, by way of Laconia, to Corydon.

Duty of commissioner, when to commence.

SEC. 2. The said commissioner shall attend at the Tobacco landing aforesaid, on the first Monday of April next, or on some subsequent day, that he may determine, and after taking an oath faithfully and impartially to discharge the duties required of him by this act, shall proceed to locate said road between the points aforesaid, in as straight a line or direction as suitable ground can be found for the same; and shall within thirty days after the location thereof cause a report to be filed in the clerk's office of said county, which shall be recorded by the said clerk in the record book of the board doing county business in said county, within ten days after filing the same.

Vacancy.

SEC. 3. Should the commissioner aforesaid, die, resign or refuse to qualify, it shall be the duty of the board doing county business for said county of Harrison, to appoint some suitable person to fill such vacancy.

Compensation.

SEC. 4. It is hereby made the duty of the board doing county business for said county of Harrison, to allow said commissioner such compensation for said services, as they may deem just, to be paid out of the county treasury; and said board shall cause said road to be opened and kept in repair, in the same manner, and by the same means, that county roads are, or ought to be opened and repaired: *Provided, however,* that said commissioner may, if he deem it best for the public interest, locate the said road on the present county road, with such alterations therein, as he may think expedient.

Road to be opened.

Repeal.

SEC. 5. That the fifty-first section of the act entitled, "an act to appropriate part of the three per cent. fund, and for other purposes," approved, February 10, 1831; and the act entitled "an act to establish a state road from the Tobacco landing on the Ohio river, by the way of Laconia to Corydon in Harrison county," approved, February 10, 1831, be and the same are hereby repealed.

CHAPTER CXVIII.

An Act changing the direction of a road from Judge Lowrie's farm to Paris Illinois.

[APPROVED, JANUARY 3, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Malone of the county of Vermillion be, and he is hereby appointed a commissioner to

locate a state road from the west bank of the Wabash river, opposite the public square in the town of Montezuma in Parke county, thence to the north west corner of Whitlock's farm, thence to Jacob White's, thence to the line dividing townships fifteen and sixteen north, in range nine west, thence to the line dividing the states of Indiana and Illinois, in the direction of Paris, Illinois, so as most conveniently to suit the neighborhood through which said road may pass.

SEC. 2. The commissioner aforesaid shall, on the first Monday in May next, or as soon thereafter as may be convenient, after taking an oath faithfully and impartially to discharge the duty required of him by this act, proceed to locate and mark said road, and shall within twenty days thereafter cause a report to be filed in the clerk's office of the county of Vermillion, to be recorded in the record book of said county of the board doing county business in said county.

Duty of commissioner, when to commence.

SEC. 3. The commissioner aforesaid shall have power to employ a surveyor, chain carriers and markers to lay out said road as proposed by this act.

Surveyor, &c.

SEC. 4. And it shall be lawful for the board doing county business in the county of Vermillion, at its first meeting after the location of said road, to cause the same to be opened any width not exceeding forty feet, (as to them may seem most expedient,) under the provisions of the law for opening and repairing public roads and highways.

Road to be opened.

SEC. 5. The board doing county business in the county of Vermillion shall make such allowance to the commissioner, surveyor, chain carriers, and marker employed by the commissioner aforesaid, as to them may seem just and reasonable, to be paid out of the county treasury.

Compensation.

SEC. 6. *And be it further enacted,* That an act entitled "an act to provide for the location of a state road from the west bank of the Wabash river, opposite the public square in the town of Montezuma, to the state line in the direction of Judge Lowrie's farm," approved January 1, 1832, be, and the same is hereby repealed.

Repeal.

SEC. 7. *And be it further enacted,* That if the commissioner aforesaid should refuse to serve, or in case of death or otherwise, should fail to locate said road against the first of August next, it shall be lawful for the board doing county business in the county of Vermillion to appoint some suitable person to discharge the duties required of the aforesaid commissioner under the provisions of this act.

Vacancy.

This act to take effect and be in force from and after its passage.

CHAPTER CXIX.

An Act to establish a State Road from Napoleon in Ripley county *via* Camden, Newbern, and Columbus in Bartholomew county to Bloomington in Monroe county.

[APPROVED, JANUARY 1, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Chapman of Bartholomew county, and Aquilla Rodgers of Monroe county, and Samuel Williams of Decatur county, be, and they are hereby appointed commissioners to view, survey, locate, and mark a state road from Napoleon in Ripley county, by the way of Camden, Newbern, and Columbus in Bartholomew county, to Bloomington in Monroe county.

Commissioners, when to meet, &c.

SEC. 2. Said commissioners shall meet at Napoleon on the first Monday in May next, or as soon thereafter as they may agree, and after being duly sworn to discharge the duties required of them by this act, shall proceed to view, locate and mark a state road from Napoleon in Ripley county, by the way of Camden, Newbern, and Columbus in Bartholomew county, to Bloomington in Monroe county.

Expenses, how paid.

SEC. 3. The expenses of carrying into effect this act shall be defrayed out the treasuries of the several counties through which the same may pass, in proportion to the distance said road may be laid in each county. There shall be allowed by the boards of county commissioners in said counties, at the rate of one dollar per day to each commissioner.

Compensation.

SEC. 4. The surveyor, chain men, and markers shall be allowed a reasonable compensation, and the same paid by the said counties in the same manner and in the same proportion as is provided for in relation to the compensation of said commissioners.

Survey to be filed in clerk's office.

SEC. 5. The surveyor who may be employed in surveying said road, shall file in the clerk's office of the proper county, the survey of said road as far as it lies in the said county.

Road to be opened.

SEC. 6. It shall be the duty of the county commissioners of the respective counties to cause the said road to be opened in the same manner that other roads are, so soon after the location thereof as they may deem it practicable.

This act to take effect and be in force from and after its passage.

CHAPTER CXX.

An Act to locate a State Road from where the Michigan Road crosses Yellow River, by the way of the county seat of Laporte county, to the mouth of Trail Creek.

[APPROVED, JANUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Andrew Burnside of the county of Laporte, be, and he is hereby appointed commissioner to view and mark a state road from where the Michigan road crosses Yellow River, by the way of the county seat of Laporte county, to the mouth of Trail Creek. Route.

SEC. 2. The said commissioner shall on the first Monday in May next, or some subsequent day within thirty days thereafter, after taking an oath faithfully and impartially to discharge the duties required of him by this act, proceed to view and mark said road between the points aforesaid in as straight a direction as suitable ground can be found; and the said commissioner shall within thirty days after the location thereof, file a report of the route of said road in each of the clerk's offices of the counties through the territory of which the said road may pass, which report shall be filed in the clerk's offices of the said counties, and be recorded in the record books of the boards doing county business respectively. Duty of commissioner, when to commence.

SEC. 3. Should the commissioner aforesaid die, resign, or refuse to qualify, it shall be the duty of the board doing county business in Laporte to appoint some suitable person to fill such vacancy. Vacancy.

SEC. 4. The board doing county business through whose territory the road may pass, shall, if they think proper, allow the said commissioner the sum of two dollars per day for each day he may be employed in laying out said road, and likewise a reasonable compensation to such persons as he may employ to assist in the survey and marking of said road. The expenses to be equally divided between the counties through which the said road may be located in proportion to the length of the road which passes through their respective territory. Compensation.

CHAPTER CXXI.

An Act to locate a State Road from Williamsport in Warren county, by the way of Lebanon and Chesapeake, to the state line.

[APPROVED. JANUARY 1, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Levi Croukhite of Warren county be, and he is hereby appointed to mark and locate a state road to commence at Williamsport in the aforesaid county of Warren, running from thence the nearest and best way through Lebanon and Chesapeake to the state line, in the direction to Danville in the state of Illinois: *Provided*, that said commissioner shall, in locating said road, have a due regard to the interest of persons owning land on said route, where it will not materially increase the distance of said road.

Duty of commissioner, when to commence.

SEC. 2. The commissioner aforesaid shall on the first Monday of March next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties enjoined on him by this act, proceed to view, mark, and locate said road, and cause all necessary surveys of said road to be made, taking with him a surveyor and a sufficient number of chain carriers and markers for that purpose, and shall within ten days thereafter cause a report of the same to be filed in the clerk's office of said county, which report shall be by the clerk recorded in the record book of the board of commissioners doing county business within thirty days thereafter.

Road to be opened.

SEC. 3. And it shall be the duty of the board of commissioners of said county at their next meeting after the filing of said report, to cause the road aforesaid to be opened any width not exceeding fifty feet, in the same way and manner [as] is now or may hereafter be provided for by the law for opening and repairing highways.

Vacancy.

SEC. 4. Should a vacancy of the said commissioner happen by death, resignation, or otherwise, it shall be the duty of said board of commissioners to appoint some suitable person to fill such vacancy, who shall take the same oath before entering upon the duties herein required as is required of the commissioner hereby appointed.

Compensation.

SEC. 5. It shall be the duty of the board of commissioners aforesaid, to make to said commissioner, surveyor, chain carriers, and markers such allowance as to them may seem reasonable, to be paid out of the first money appropriated in said county of Warren, out of the three per cent. fund.

This act to be in force from and after its passage.

CHAPTER CXXII.

An Act to locate a State Road from Stilesville, by the way of New-Maysville, to Crawfordsville.

[APPROVED, JANUARY 15, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Talbott of Putnam county be appointed a commissioner to locate a state road from Stilesville in Hendricks county, by the way of New-Maysville in Putnam county to Joshua Harrison's in Montgomery county, thence along the county road leading from the said Harrison's to Crawfordsville in said county of Montgomery.

SEC. 2. The commissioner aforesaid, after being duly Oath and file qualified, shall proceed with the necessary hands to view, plat, mark, and locate the road aforesaid, and shall make and file in the clerks' offices of the counties through which the same may pass, a plat of so much of said road as runs through each.

SEC. 3. The boards doing county business in the counties of Hendricks, Putnam, and Montgomery shall allow said commissioner, and the hands necessarily employed by him, a reasonable compensation for their services, out of the three per cent. fund appropriated to their respective counties, which allowance shall be made in proportion to the length of the road in each; and said boards shall cause so much of said road as runs through their respective counties to be opened not exceeding forty feet in width, in the same manner as other state or county roads are opened.

CHAPTER CXXIII.

An Act to establish a State Road from Greencastle in the county of Putnam to the county line of Parke.

[APPROVED, JANUARY 18, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the county road beginning at Greencastle in the county of Putnam, and running to the middle stake of section thirty in township fifteen north of range five west, on the line dividing the county of Putnam and the county of Parke, be, and the same is hereby declared a state road to all intents and purposes.

This act to be in force from and after its passage.

LAWS OF INDIANA.

CHAPTER CXXIV.

An Act to re-locate a part of the State Road leading from Rockport to Boonville.

[APPROVED, JANUARY 18, 1833.]

David Grass,
commissioner

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Daniel Grass of the county of Spencer be, and he is hereby appointed a commissioner to re-locate so much of the state road leading from Rockport in Spencer county to Boonville in Warrick county as lies between Hiram's Creek and Allensworth's farm on said road.

Report.

SEC. 2. Said Grass shall, upon making such change in said state road, make his report thereof to the county board of Spencer county: *Provided*, that such re-location shall not take place unless the cost of the same shall be paid at the expense of Hiram Main of the said county of Spencer.

CHAPTER CXXV.

An Act to establish a State Road from the Ohio line to Dalton, near the west boundary of Wayne county.

[APPROVED, JANUARY 15, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Charles Burress of Wayne county be, and he is hereby appointed a commissioner to locate and mark a state road beginning on the Ohio line, near New-Paris, at a point where a road leading from Eaton in Ohio strikes said line, thence on a county road passing by Jeremiah Cox's mill, Hampton Brown's, Williamsburg, Economy, and thence to Dalton, to the intersection with a road leading from Winchester to New-Castle.

Duty of commissioner,
when to commence.

SEC. 2. That the commissioner aforesaid, on the first Monday in June next, or on some subsequent day that he may determine on, and after taking an oath faithfully to discharge the duties assigned him by this act, shall proceed to view and mark said state road between the points aforesaid, keeping along said county road, unless where it may be straightened without injuring private property. And the said commissioner shall within thirty days after the location thereof cause a report with a plat of said road to be filed in the clerk's office in the county of Wayne, which shall be recorded by the clerk of said county in the record book of the board doing county business, within ten days after the same may have been filed as aforesaid.

LAWS OF INDIANA.

SEC. 3. The commissioner aforesaid is hereby authorized to employ a surveyor, chain bearers, and a marker to assist him in the location of said road, and the board doing county business shall make such allowance to the commissioner, chain bearers, and maker as to them may seem just and reasonable.

SEC. 4. Should the commissioner herein named refuse to qualify, it shall be the duty of the board doing county business in and for said county to appoint some suitable person to fill such vacancy, who shall be governed in all respects by the provisions of this act.

This act to be in force from and after its passage.

CHAPTER CXXVI.

An Act to establish a State Road from Salem in Washington county to Leesville in Lawrence county.

[APPROVED, JANUARY 18, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the county road leading from Salem in Washington county, by the way of Cox's ferry on White River, to Leesville in Lawrence county be, and the same is hereby declared and established a state road.

This act to take effect and be in force from and after its passage.

CHAPTER CXXVII.

An Act supplemental to an act entitled, "an act to locate a State Road from Merom in Sullivan county to a point on the Terre Haute and Bono State Road," approved January 20, 1832.

[APPROVED, JANUARY 19, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Josiah Mann of Sullivan county be, and he is hereby appointed sole commissioner to view, mark, and lay out a state road agreeably to the provisions of the act to which this is supplemental. Said commissioner shall commence the duties hereby assigned him on the first Monday in May next, or as soon thereafter as convenient.

SEC. 2. Any part of the act to which this is supplemental coming within the purview of this act, be, and the same is hereby repealed.

This act to take effect from and after its passage.

CHAPTER CXXVIII.

An Act to Legalize the Proceedings of the Commissioner appointed to locate a State Road from the town of Lagrange, in Tippecanoe county, to Logansport in the county of Cass, by an act approved, February 3d, 1832.

[APPROVED, JANUARY 1, 1833.]

Preamble. WHEREAS, owing to an error having been made in the printing or enrolling so far as having inserted the name of George Harry in lieu of Robert Harvey; and whereas, it is represented to this general assembly, that Robert Harvey has located said state road according to the provisions of an act entitled "an act to mark and locate a state road from Lagrange in Tippecanoe county to Logansport in Cass county:" therefore

Proceedings legalized.

Be it enacted by the General Assembly of the State of Indiana, That the acts of said commissioner, so far as the same would have been legal, had the name of the said Robert Harvey been inserted in the act authorizing the location of said state road, be, and the same are hereby legalized.

This act to be in force from and after its publication in the "Lafayette Free Press."

CHAPTER CXXIX.

An Act to establish a State Road in Vigo county.

[APPROVED, JANUARY 1, 1833.]

Routes.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Ray, John Kuykendall and Elison Cruise, of the county of Vigo, be, and they are hereby appointed commissioners to view, survey, mark and locate a state road, commencing at that point on the National road in said county, where the state road running from Clinton in Vermillion county by Patton's mills, to the national road in Vigo county terminates, and running thence, on the nearest and best route to the state line, in the direction of Danville, Illinois, on the western border of the Wabash river.

Com'r when to meet, &c.

SEC. 2. Said commissioners or a majority of them shall, on or before the first Monday in June next, meet at some place to be by them agreed upon, and after having taken an oath before some justice of the peace for the faithful discharge of their duties as commissioners as aforesaid, shall forthwith proceed to view, survey, mark and locate said

road as aforesaid, taking to their assistance if they deem it necessary, such surveyor, chain carriers and markers, as may be required to carry into effect the provisions of this act. Within ten days after such location, said commissioners shall file a report of their proceedings in the clerk's office of Vigo county.

SEC. 3. The commissioners aforesaid shall be entitled to receive for their services under this act, the sum of one dollar per day each; and all reasonable expenses incurred under the provisions of this act shall be allowed by the board doing county business in said county of Vigo, to be paid out of the county treasury.

This act to take effect and be in force from and after its passage.

CHAPTER CXXX.

An Act authorizing John Newby, of Jackson county, to expend certain moneys appropriated out of the three per cent. fund, on the Madison and Brownstown State Road.

[APPROVED, JANUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That John Newby, of Jackson county, be, and he is hereby appointed commissioner to expend and lay out the money now in the hands of Samuel Finical, commissioner on the Madison and Brownstown state road, to be expended in opening and improving that part of said road, that has been re-located, between Stanfield's mills and Coffee creek, as provided by the fourth section of an act, approved, February 3d, 1832, authorizing a change in the Madison and Brownstown state road. The said John Newby on giving bond and security to the acceptance of the board of county commissioners of Jennings county, shall be, and he is hereby authorized to ask, demand and receive of said Finical, the money now in his hands.

SEC. 2. On said Finical failing to pay over all money in his hands, he shall be liable to be sued by the commissioner hereby appointed, in any court of competent jurisdiction, for the amount in his hands due and unexpended, with ten per cent. thereon and all accruing costs.

SEC. 3. The said Newby shall settle his accounts for money received and disbursed, with the board of county commissioners of Jennings county, once in each year. The board shall allow said commissioner one dollar per day, for every day he may be actually engaged in the duties hereby enjoined: and for all vouchers produced for money expended on said road.

This act to take effect and be in force from and after its publication in the Indiana Journal, a paper printed in Indianapolis.

CHAPTER CXXXI.

An Act to re-locate part of the State Road leading from Spencer in Owen county, to Danville in Hendricks county.

[APPROVED, JANUARY 1, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Solomon Dunagan, of the county of Morgan, be, and is hereby appointed commissioner, to view, mark, and re-locate so much of the state road leading from Spencer, in Owen county, to Danville in the county of Hendricks, as lies between the county line of Owen county, and Solomon Dunagan's farm in Morgan county.

Duty of commissioner, when to commence.

SEC. 2. The commissioner aforesaid shall, on the first Monday in May, or on some subsequent day, after having taken an oath faithfully and impartially to discharge the duties assigned him by this act, proceed to view, mark and re-locate the road aforesaid, on the nearest and best ground, taking with him if necessary, a surveyor, chain carrier and marker. A plat of which location he shall file in the clerk's office for record, in the said county of Morgan, within twenty days after said location.

Road to be opened.

SEC. 3. It shall be the duty of the board doing county business in the county of Morgan, at their next meeting after said location is made, to cause the same to be opened a width corresponding with the two extremes; and agreeably to, and under the provisions of the act for opening and repairing roads and highways.

Compensation.

SEC. 4. That the commissioners aforesaid, and the hands necessarily employed in said re-location, be allowed by the board doing county business in Morgan county, a reasonable compensation for their services out of the three per cent. fund, appropriated to Morgan county, or otherwise.

Part vacated.

SEC. 5. That so much of said road aforesaid, as lies between the county line of Owen county and Solomon Dunagan's farm, be, and the same is hereby vacated.

This act to be in force from and after its passage.

CHAPTER CXXXII.

An Act to change a part of the State Road from Levenworth's mill, to Orleans in Orange county.

[APPROVED, JANUARY, 18, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Stalcup, of Orange county, be, and he is hereby appointed a commissioner, to change a part of the state road from Levenworth's mill, to Orleans in Orange county, to wit: commencing at Peter Stalcup's on said road, from thence north-west to Samuel Stalcup's, thence to intersect said road at or near Cleton Lynch's.

SEC. 2. *Be it further enacted*, That so much of said road as lies between the points of re-location, be, and the same is hereby vacated, as soon as the said commissioner shall re-locate, open and make the new road as good as the old now is, at his own expense.

SEC. 3. *Be it further enacted*, That said commissioner shall, on the first Monday of March next, or on some subsequent day, attend at Peter Stalcup's, and shall proceed to mark, lay out, and locate said road, agreeably to the provisions of this act; and it is hereby made the duty of said commissioner, within thirty days after making said location, to file a report of his proceedings in the clerk's office of Orange county, whose duty it is made to record the same; and said commissioner is hereby authorized if necessary, to employ a surveyor, chainbearers and markers, to make said location.

This act to be in force from and after its passage.

CHAPTER CXXXIII.

An Act to locate a State Road from the Ohio line near Hillsborough, Wayne County, to intersect the Winchester and Newcastle State Road in Henry county.

[APPROVED, JANUARY 18, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Isaiah Osborn of Wayne county, be, and he is hereby appointed a commissioner to view, mark and locate a state road, from the state line near Hillsborough in Wayne county, Indiana, to intersect the state road from Winchester in Randolph county, to Newcastle in Henry county. The commissioner aforesaid, shall attend in the town of Hillsborough, on the first Monday of June next, or

—when to
commence.

some day thereafter, and after taking an oath, faithfully and impartially to discharge his duties, according to the provisions of this act, shall proceed to view, mark and locate said road, commencing at the line dividing the states of Ohio and Indiana, where the county road running east from the town of Hillsborough in Wayne county, intersects said line; thence west to said town of Hillsborough; thence west to the town of Newport; thence west to the town of Williamsburg; thence west to the town of Economy; thence west to Franklin village, and from thence west on the county road, till the same shall intersect the state road leading from Winchester in Randolph county, to Newcastle in Henry county; and said commissioner is hereby authorized to employ a surveyor, chain carriers, and a marker, for that purpose.

Report.

SEC. 2. It shall be the duty of said commissioner to cause a report of the location of said road to be filed in the clerk's office in the county of Wayne, within ten days after such location is made: and it shall be the duty of said clerk to record the same in the record book of the board doing county business.

Road to be opened.

SEC. 3. The board doing county business in said county of Wayne, may, if they deem it expedient, at their next meeting after such report has been filed, cause said road to be opened any width not exceeding forty feet, in the same way and manner as is now, or way hereafter be provided, for opening and repairing public roads and highways.

Vacancy.

SEC. 4. Should said commissioner die, refuse to qualify, or otherwise fail to perform the duties herein required of him, the board doing county business in the county of Wayne, shall appoint some suitable person to perform said duties.

Compensation.

SEC. 5. The board doing county business in the county of Wayne, shall make to the commissioner, chain carriers and marker, such compensation as they may deem reasonable and just.

This act to take effect and be in force from and after its publication.

CHAPTER CXXXIV.

An Act to locate a State Road from Greencastle in Putnam county, to Carlisle in Sullivan county, by the way of Manhattan in Putnam county, and Bowlinggreen and New Brunswick, in Clay county.

[APPROVED, JANUARY 3, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That George McIntosh of the county of Put-

nam, and Jesse McIntyre, of the county of Clay, and John S. Davis of the county of Sullivan, be, and they are hereby appointed to mark, survey and locate a state road, on the nearest and best ground, having due regard to the rights of private property, from Greencastle in the county of Putnam aforesaid, by way of Manhattan in the county of Putnam, thence to Bowlinggreen, in the county of Clay, thence to New Brunswick in Clay county aforesaid, and from thence to Carlisle in the county of Sullivan aforesaid.

SEC. 2. *Be it further enacted*, That it shall be the duty of said commissioners, or a majority of them, on the first Monday in June next, or on some subsequent day to be agreed upon by said commissioners, to meet at the town of Greencastle, and after having taken an oath, faithfully and impartially to discharge their duties as contemplated by virtue of this act, shall proceed to mark, survey and locate said road agreeably to the provisions of the first section of this act.

SEC. 3. *Be it further enacted*, That the commissioners aforesaid are hereby authorized to employ a surveyor, and a suitable number of chain carriers and markers, necessary to make said location. It is further made the duty of said commissioners to keep an account of the number of days, which they may be necessarily employed in locating said road, a copy of which shall be placed in the clerk's offices in the counties of Putnam, Clay and Sullivan aforesaid; and it is hereby made the duty of the board of county commissioners of said counties of Putnam, Clay, and Sullivan, to make said commissioners, surveyor, chainbearers and markers, such reasonable compensation for their services as they may deem proper, payable by said counties in proportion to the length of said road through each of said counties, out of the three per cent. fund, or otherwise.

SEC. 4. *Be it further enacted*, That it shall be the duty of said commissioners, within thirty days after making said location, to make and file in the several clerks' offices of the counties of Putnam, Clay and Sullivan aforesaid, a report of their proceedings, together with a copy of the survey and field notes of said road; which report it is made the duties of said clerks to record respectively.

SEC. 5. *Be it enacted*, That it shall be the duty of said commissioners, to locate so much of said road as lies between Greencastle and Manhattan, if deemed practicable, on or as near as may be to the present county road leading from Greencastle to Manhattan; and it is hereby made the duty of the board doing county business in the counties of Putnam, Clay and Sullivan aforesaid, to make out an order for cutting and opening so much of said road as lies within their respective counties, of a width not less than

Com'rs, when
to meet &c.

Surveyor, &c.

Accounts to
be filed in
clerks' offices.

Compensation.

Report.

forty feet, nor more than one hundred feet, and also assign to the several supervisors of the various road districts through which said road may run, a suitable number of hands to cut and open said road.

SEC. 6. Should any vacancy happen, by death, resignation or refusal to serve, of any of said commissioners, it shall be the duty of the board doing county business, where such vacancy may happen, to fill the same.

This act to be in force from and after its passage.

CHAPTER CXXXV.

An Act to establish a state road from Shelbyville in Shelby county, by the way of Goshen and Newbern in Bartholomew county, to intersect the Indianapolis and Madison state road near Klapp's mills in Jennings county.

[APPROVED, FEBRUARY 2, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That George Means of the county of Shelby, Martin Houser of the county of Bartholomew, and Peter Klapp of the county of Jennings be, and they are hereby appointed commissioners to view, mark, and locate a state road from Shelbyville in Shelby county, by the way of Goshen and Newbern in Bartholomew, to intersect the Indianapolis and Madison state road near Klapp's mills in Jennings county. So much of said road as is in Shelby county shall run along the road located in 1828.

Commissioners, when and where to meet

SEC. 2. Said commissioners, or a majority of them, shall meet at the town of Shelbyville on the first Monday in May next, and after taking an oath well and truly to perform the duties required of them by this act, shall proceed to view, mark, and locate a state road upon the nearest and best way that the same can be had from Shelbyville, by the way of Goshen and Newbern in Bartholomew county, to intersect the Indianapolis and Madison state road, near Klapp's mills in Jennings county; and for the purpose aforesaid, said commissioners are authorized to employ a surveyor and a sufficient number of chain carriers and markers.

Expenses, how paid.

SEC. 3. The expenses of carrying into effect the foregoing provisions of this act shall be borne by the several counties through which said road passes, in proportion to the distances the same may run through each, to be paid out of the county treasuries of each in the proportion aforesaid out of any monies therein not otherwise appropriated.

Repeal.

SEC. 4. The commissioners aforesaid shall, within ten days after making said location, cause to be deposited in

the clerks' offices of said counties, a report of the survey of said road, which shall be by said clerks recorded in the records of the courts doing county business therein.

SEC. 5. The boards doing county business in the said several counties shall cause said road to be opened and kept in repair, in the same manner as other roads are by law to be opened and repaired as soon after the location thereof as said boards may deem it practicable.

Road to be opened.

SEC. 6. *Be it further enacted*, That the act entitled "an act to establish a state road from Shelbyville to intersect the Madison state road in the county of Jennings," approved January 19th, 1828, be, and the same is hereby repealed.

Repeal.

This act to take effect and be in force from and after its passage.

CHAPTER CXXXVI.

An Act to re locate a part of the Terre Haute State Road.

[APPROVED, FEBRUARY 1, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That James Blake, one of the commissioners of said road, be, and he is hereby directed to review that part of said road at the crossing of the pond between the town of Indianapolis and the crossing of White river, and make such change on that part of said road as will be calculated to lessen the expense in erecting a bridge across said pond; and that said commissioner make a plat of such alteration and file the same in the clerk's office in Marion county, and the clerk shall record the same.

This act to be in force from and after its passage.

CHAPTER CXXXVII.

An Act to establish a certain State Road.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Robert Mick of Scott county, Zebulon Collings of Clark county, and A. Lattelle of Floyd county, be, and they are hereby appointed commissioners to view, mark, and establish a state road from Lexington to Charlestown, and from thence to New-Albany, by the way of Bot-

Route.

torff's mill in Clark, and one from the slate ford in Scott county, *via* Vienna in said county, to intersect the state road at or near the farm of Zebulon Collings.

Commission-
ers, when to
meet.

SEC. 2. It is hereby made the duty of said commissioners to meet at Lexington, on the first Monday of June next, or on some subsequent day, and after taking an oath to perform their duties as such commissioners, shall proceed to establish said road, having due regard to the interest of persons through whose farms said road may run. The said commissioners shall take to their aid a surveyor and as many hands as they may deem sufficient to do and perform such work; and said commissioner shall, within twenty days after the same shall be established, file a true transcript of such survey of said road in each of the clerk's offices of the counties through which said road shall run.

Road to be
opened.

SEC. 3. The boards doing county business in each of said counties shall forthwith cause the same to be opened any width not exceeding fifty feet, to be kept in repair as other roads of the same character are.

Compensa-
tion.

SEC. 4. It is hereby made the further duty of the boards doing county business in each of said counties to make such allowance as they may deem just and reasonable to such commissioners, surveyors, and hands, in proportion to the distance that said road may run through each of said counties: *Provided, however*, [that] nothing in this act shall be so construed as to make it the duty of the boards doing county business for the counties of Clark, and Floyd, to cause that part of the road that lies between Charlestown and New-Albany to be opened unless they deem it expedient.

CHAPTER CXXXVIII.

An Act to vacate a certain State Road therein named.

[APPROVED, FEBRUARY 2, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That so much of the act entitled "an act for opening a state road from Princeton in Gibson county to Washington in Daviess county," as authorizes the opening of the said road in Pike county north of the river Patoka, be, and the same is hereby repealed. All acts and parts of acts as come within the purview of this act be, and the same are hereby repealed.

CHAPTER CXXXIX.

An Act to establish a State Road from Fairfield in Franklin county to West Union in Fayette county.

[APPROVED, FEBRUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That a state road be, and the same is hereby established, leading from Fairfield in Franklin county, through Union county, to West Union in Fayette county.

SEC. 2. That the road aforesaid be, and the same is hereby located on the present county road between the points aforesaid.

SEC. 3. That the boards doing county business in the counties aforesaid respectively shall cause the said road to be repaired and kept in repair in the same manner and by the same means that county roads are repaired.

CHAPTER CXL.

An Act supplemental to an act entitled, "an act to amend the act entitled, 'an act to establish a State Road from William Connelly's in Lawrence county to Greencastle in Putnam county,'" approved February 3, 1832.

[APPROVED FEBRUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the state road mentioned in the act to which this is a supplement as runs through the county of Lawrence be, and the same is hereby vacated; and the several acts heretofore in force on the subject of said road, so far as the same relates to that portion of said road in the county of Lawrence be, and the same is hereby repealed.

SEC. 2. *Provided*, that nothing in this act contained shall be so construed as to prevent a continuation of said road from the Lawrence county line, in the direction of Spencer, commencing at said line where the Rockport road crosses the same, and agreeably to the present location thereof, through the counties of Monroe, Owen, and Putnam.

This act to be in force from and after its passage.

CHAPTER CXLI.

An Act to establish a State Road therein named.

[APPROVED, FEBRUARY 2, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Isaac Shelby of Tippecanoe county be, and he is hereby appointed a commissioner to view, mark, and locate a state road, commencing at or near the crossing of Sugar Creek on the road leading from Crawfordsville in Montgomery county to Williamsport in Warren county, thence the nearest and best way to Swank's mill, thence the nearest and best way to Middletown in Tippecanoe county, thence to the dividing line between John Emerson's and Peter Weaver's, thence with said line so as to intersect the state road leading from the town of Attica to the town of Lafayette, thence to the ferry at the town of Lagrange, thence with the main street of said town of Lagrange the nearest and best way so as to intersect the road leading from Lafayette to Chicago.

Duty of commissioner, when to commence.

SEC. 2. The said commissioner shall attend at the town of Crawfordsville in the said county of Montgomery on the first Monday in May next, or so soon thereafter as he may think proper, and after taking an oath faithfully to discharge the duties assigned him by law, shall proceed to view and mark said road, and shall, within thirty days thereafter, cause a report thereof to be filed in each of the clerk's offices of the proper counties through which the same may pass, the same to be recorded in the record books of the boards doing county business in said counties within ten days therefrom: *Provided*, he shall have respect to the interest and convenience of persons living on said route, where it will not materially lengthen said road.

Road to be opened.

SEC. 3. It shall be the duty of the board doing county business in each county through which the same may run, at their first meeting thereafter, to cause the said road to be opened any width not exceeding forty feet, and made agreeably to and under the several acts that now are or may be hereafter in force relative to opening public roads and highways.

Vacancy.

SEC. 4. Should a vacancy happen by death, resignation, or otherwise, the board doing county business in the said county of Tippecanoe shall fill said vacancy.

Compensation.

SEC. 5. The commissioner aforesaid shall receive for each day he may be employed in laying out said road the sum of one dollar, to be paid out of the county treasury of the several counties through which the same may pass, according to the time severally spent in each county, together

with what shall be deemed just for other expenses necessarily incurred in laying out said road.

This act to take effect and be in force from and after its passage.

CHAPTER CXLII.

An Act to amend an act entitled, "an act for the location and opening of a State Road from Logansport, via Turkey Creek and Elkhart Prairies, to the northern line of the State, in the direction of Pigeon Prairie in Michigan Territory," approved December 29th, 1830.

[APPROVED, FEBRUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the boards doing county business in the counties of Cass and Elkhart are hereby authorized and empowered to lay out and expend on the state road, located and established by the act to which this is an amendment, so much of the three per cent. fund as said boards have or may hereafter have control of as they may think proper and just, to be expended on such portions of said road as the said boards may deem most beneficial to the public good.

Power of the county boards of Cass and Elkhart.

SEC. 2. *Be it further enacted*, That so much of the act to which this is an amendment as comes within the purview of this act be, and the same is hereby repealed.

Repeal.

This act to be in force from and after its passage.

CHAPTER CXLIII.

An Act authorizing a change in a part of the Munceytown and Logansport State Road.

[APPROVED, FEBRUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Dickerson Burt of Delaware county be, and he is hereby appointed a commissioner to re-locate so much of said road as lies between the Three Mile Creek in Grant county and Robert Sanders' in Delaware county, so as to make the same pass William Casey's and the old trading house; and so soon as the said road shall have been re-located and the report thereof made into the clerk's office of the proper county, the old road shall be, and hereby is disannulled and set aside.

Duty of county board.

SEC. 2. So much of said road as may be relocated, to

What money

to be applied. be opened at the expense of William McCormack of Delaware county.

This act to take effect and be in force from and after its passage.

CHAPTER CXLIV.

An Act relative to a certain State Road in Rush county.

[APPROVED, FEBRUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of commissioners of Rush county are hereby authorized and required to cause to be opened [and] kept in repair, agreeably to the provisions of the act entitled "an act for opening and repairing public roads and highways," approved February 10th, 1831, so much of the state road as lies in Rush county, located by Joseph Lowe by virtue of "an act to establish a state road therein named," approved February 3d, 1832.

SEC. 2. *Be it further enacted,* That twenty dollars of the three per cent. fund appropriated to the improvement of the state road from Rushville to Indianapolis, and fifteen dollars of the amount appropriated to the state road leading from Andersonville to Shelbyville and fifteen dollars of the sum appropriated to the improvement of the state road leading from Connersville to Raysville be, and the same is hereby transferred to the state road named in the first section of this act; the same shall be applied by John McMillian, road commissioner in Rush county, to opening the said road as located by Joseph Lowe.

CHAPTER CXLV.

An Act to re locate part of the State Road leading from Martinsville in Morgan county to Danville in Hendricks county.

[APPROVED, FEBRUARY 1, 1833]

Sam'l Elliott,
commissioner

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Samuel Elliott of the county of Morgan be, and he is hereby appointed commissioner to examine and re-locate so much of the state road leading from Martinsville in Morgan county to Danville in Hendricks county as to cause it to pass by James Clark's dwelling house, and from the north end of said Clark's lane to Cox's mill in said Morgan county.

SEC. 2. The commissioner aforesaid shall, within ten days after said re-location, file for record in the clerk's office of Morgan county a report of his proceedings; and the board doing county business in said county shall allow said commissioner, together with the necessary hands, (which he is hereby authorized to employ) a reasonable compensation for their services.

SEC. 3. That so much of said state road as may be changed by the re-location, be, and the same is hereby vacated. Part vacated.

This act to be in force from and after its passage.

CHAPTER CXLVI.

An Act supplemental to the act entitled "an act to establish a State Road from the county seat of Grant to the county seat of Elkhart," approved January 24, 1832.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Sam'l McClure of the county of Grant be, and he is hereby appointed commissioner to view, survey, mark, and locate a state road from the county seat of Grant county, on the nearest and best ground to the centre of Wabash county on the Wabash River, as nearly as the same can be conveniently ascertained, thence to the county seat of Elkhart county. Route.

SEC. 2. The commissioner aforesaid is authorized to employ a surveyor and such number of hands as may be necessary for his assistance in locating said road. He shall make and file in the clerk's offices in the counties through which the same shall be located correct plats and field notes thereof, which the clerks shall record within ten days after they shall have been filed in the record book of the board of commissioners of said counties. He shall keep a separate but correct and true account of the expenditure incurred in locating said road in each county through which it shall pass, and also the amount incurred through that part of country which lies between the northern boundary line of Wabash county and the county of Elkhart. He shall make a detailed statement of the cost of said location which shall have accrued in the boundaries of Grant county, to the board of commissioners of said county, who shall at their first meeting make a reasonable allowance therefor. For such expenditures as shall be incurred in locating said road through the county of Wabash and one half of the expenses which shall accrue in locating said road through the coun- Plat, &c. Expenses how paid.

try between Wabash and Elkhart counties he shall pay out of the three hundred dollars hereinafter appropriated for that and other purposes. The residue of the expenditures incurred in locating said road he shall report to the board of commissioners of Elkhart county who shall make a reasonable allowance in compensation for the same at their first meeting after said account shall have been so reported. The residue of the said three hundred dollars which shall remain after paying for that part of the location of said road which shall be chargeable to the county of Wabash, shall be expended in opening or clearing, for twenty-five feet in width, or in bridging some part of said road which shall lie in the bounds of said county of Wabash, in such manner as the said commissioner may deem best; and for all monies expended, which shall be paid out of the three hundred dollars appropriated by this act, he shall take duplicate receipts, one copy of which shall be filed in the clerk's office of said county, or to the county to which it may be attached, once in six months, and the other copy with the agent of the three per cent. fund, with a summary statement of the expenditure incurred, on or before the first day of December annually. Before entering on the discharge of his duties, the commissioner aforesaid shall be duly qualified before some magistrate of this state, and also enter into bond, with sufficient security, to the agent of the three per cent. fund, in the penal sum of six hundred dollars for the faithful discharge of the duties required by this act.

Oath and
bond.

Shall draw
money from
agent of three
per cent fund.

SEC. 3. So soon as the commissioner aforesaid shall have executed his bond to the agent of the three per cent. fund, he shall be, and he is hereby authorized to draw on and receive from the said agent the sum of three hundred dollars, being part, and out of the sum of five hundred dollars appropriated to the county of Wabash out of said fund, according to the provisions of the act entitled, "an act to appropriate part of the three per cent. fund," passed at the present session of the general assembly; which said sum of three hundred dollars shall be expended in locating and improving said road in the manner and under the limitations and restrictions herein before recited.

Com'r may a-
dopt part of a
certain road.

SEC. 4. Nothing in the provisions of this act shall be so construed as to prevent the commissioner aforesaid from adopting a part of the state road leading from Logansport, via Turkey Creek and Elkhart Prairie to the north line of the state, towards Pigeon Prairie in Michigan: *Provided*, the same shall be found to lie in the proper direction and on good ground, when the examination shall have been made.

Compensa-
tion.

SEC. 5. The commissioner shall be allowed one dollar per day for his services, when necessarily employed, in discharging the duties by this act.

This act to take effect and be in force from and after its passage.

CHAPTER CXLVII.

An Act to re-locate part of the Mauk's Ferry State Road.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Job Gardner of the county of Johnson be, and he is hereby appointed a commissioner to re-locate so much of the Mauk's ferry state road as lies between George Baker's in the county of Bartholomew and George Hollensback's in Johnson county. Part to be re-located.

SEC. 2. *And be it further enacted*, That before the said Job Gardner, commissioner as aforesaid, shall enter upon the duties enjoined upon him by this act, he shall appear before some person authorized to administer oaths and take an oath faithfully and impartially to perform all the duties enjoined on him in this act. Oath.

SEC. 3. That said commissioner hereby appointed shall, on the first Monday in June, or so soon thereafter as he may think best calculated to promote the public good, attend at the house of the said George Baker in the county of Bartholomew, proceed to mark and re-locate said proposed change, placing it upon the best ground, having strict regard, as far as possible, to any increase in distance. Duty of commissioner, when to commence.

SEC. 4. *And be it further enacted*, That said commissioner, if he should deem it necessary, [may] employ a surveyor and a suitable number of markers and chain carriers, and shall make out and transmit to the clerks of said counties of Johnson and Bartholomew a map or maps of said re-location, which said survey and re-location shall be recorded by the clerks aforesaid. Surveyor. Map.

SEC. 5. *And be it further enacted*, That the board doing county business in the counties aforesaid, at their next court after the return of the plat of the said re-location shall have been made, shall cause the said re-located route to be opened and kept in repair as other state or county roads. Road to be opened.

SEC. 6. *And be it further enacted*, That so soon as said re-located road shall be opened and made in all respects as good as the former road, said boards doing county business in the aforesaid counties shall, if they deem it expedient, declare the former road vacated. Former road may be vacated.

SEC. 7. *And be it further enacted*, That [it shall be the duty of] the boards doing county business in the counties of Compensation.

Johnson and Bartholomew, to allow the commissioner aforesaid such compensation as they shall deem just and reasonable, to be paid out of the treasuries of the counties aforesaid, in proportion to the distance said proposed or actual re-location shall lie in said counties.

Compensation.

SEC. 8. That the present county road in the county of Harrison, commencing at the point near Hays McCallin's in said county, where said county road intersects the state road from Mauk's ferry to Indianapolis, thence to Salisbury, thence to Elijah Hurst's, thence to the point where said county road intersects said state road be, and the same is hereby established a state road, and that so much of the present state road as lies between said points of intersection be, and the same is hereby vacated.

This act to be in force from and after its publication in the Indiana Journal.

CHAPTER CXLVIII.

An Act to locate a State Road from Lagrange in Tippecanoe county, to the State Road leading from Williamsport in Warren county, to Chicago in the State of Illinois.

[APPROVED, FEBRUARY 2, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas Johnson, be, and he is hereby appointed a commissioner to view, mark and locate a state road, to commence at Lagrange in Tippecanoe county, running from thence to the north-east corner of section thirty-one, in township twenty-three, range six west, thence west until it intersects the state road leading from Williamsport to Chicago, in the state of Illinois.

Duty of commissioner, when to commence.

SEC. 2. That it shall be the duty of such commissioner on the first Monday in June, or as soon thereafter as may be practicable, to take an oath or affirmation faithfully to discharge the duties herein enjoined, and to proceed to view, mark, survey and locate said road on the nearest and best ground, between the points above mentioned, having a proper respect for the property of individuals, whenever the same can be done without materially lengthening the distance of said road; and shall take with him a surveyor, and a sufficient number of chain carriers and markers for that purpose, and shall within thirty days thereafter, file in each of the clerks' offices in Warren and Tippecanoe counties, a report of his proceedings; and it shall be the duty of each of the clerks of said counties to record the same in

the record book of the board of county commissioners of his county within ten days thereafter.

SEC. 3. It shall be the duty of the boards doing county business in each of said counties, at their next session after the filing of said report, to cause said road to be opened and kept in repair in the same manner, as is now, or may hereafter be provided for opening and repairing highways.

SEC. 4. Should a vacancy happen by the death, resignation or otherwise of said road commissioner, it shall be the duty of the board of commissioners of Warren county, at their next session, to fill such vacancy.

SEC. 5. The boards doing county business of each of said counties, shall allow to such commissioner, surveyor, chain carriers and markers, such compensation as to them may seem reasonable, which shall be paid by the counties aforesaid in proportion to the length of said road in each county, out of the three per cent. fund.

This act to take effect and be in force from and after its passage.

CHAPTER CXLIX.

An Act to establish a State Road from Salisbury in Harrison county, to Providence in Clark county, by the way of Greenville in Floyd county.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*. That Peter S. Kintner of Harrison county, Mordecai Collins of Floyd county, and James N. Wood, of Clark county, be, and they are hereby appointed commissioners to view and mark a state road from Salisbury in Harrison county to Greenville in Floyd county, and from thence to Providence in Clark county.

Route.

SEC. 2. The said commissioners shall attend at Salisbury in the county of Harrison, on the first Monday in April next, or on some subsequent day, upon which they may agree, and after taking an oath faithfully and impartially to discharge the duties required of them by this act, shall proceed to view and mark said road between the points aforesaid, in as straight a direction as the ground will admit; and the said commissioners shall within thirty days after the location thereof, cause a report to be filed in each of the clerks' offices of the counties of Floyd, Harrison, and Clark; which report shall be recorded by said clerks in the record book of the boards doing county business in said counties, within ten days after the filing of the same.

Duty of commissioner, when to commence.

Road to be
opened.

SEC. 3. It shall be the duty of the boards doing county business in the counties of Harrison, Floyd, and Clark at their next meeting after the location of said road, to cause the same to be opened any width not exceeding thirty feet, and made agreeably to, and under the provisions of the several acts that now are, or may hereafter be in force, for opening and repairing public roads and highways.

Vacaney.

SEC. 4. Should either of the commissioners aforesaid die, resign, or refuse to qualify, it shall be the duty of the board doing county business in the county where such commissioner may have resided, to appoint some suitable person to fill such vacancy.

Compensa-
tion.

SEC. 5. It is hereby made the duty of the boards doing county business in the aforesaid counties of Harrison, Floyd and Clark, to allow the aforesaid commissioners such compensation as they may deem just, for the services rendered under the provisions of this act, to be paid out of the county treasuries of Harrison, Floyd and Clark counties.

This act to take effect and be in force from and after its passage.

CHAPTER CL.

An Act to appropriate part of the Three per cent. Fund in the county of Morgan.

[APPROVED, FEBRUARY 2, 1833.]

J. Williams,
com'r.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jonathan Williams, of the county of Morgan, be, and he is hereby appointed commissioner to draw the sum of one hundred dollars, out of the five hundred dollars, appropriated to the county of Morgan, and to apply the same in repairing so much of the state road leading from Bloomington to Indianapolis, as lies within the county of Morgan.

SEC. 2. That all moneys remaining in the hands of any former commissioner on said road, shall be paid over to the aforesaid commissioner.

Compensa-
tion.

SEC. 3. That the aforesaid commissioner shall receive one dollar per day as a compensation for his services.

This act to be in force from and after its passage.

CHAPTER CLI.

An Act to establish a State Road from Bloomington, in Monroe county, to the Great Falls on Eel River.

[APPROVED, JANUARY 30, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the road leading from Bloomington in Monroe county by the way of Brinton's ferry on White River, to the Great Falls on Eel River, be, and the same is hereby established a state road.

This act to take effect and be in force from and after its passage.

CHAPTER CLII.

An Act to establish a State Road from Madison in Jefferson county, to Paoli in Orange county.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the road leading from Madison in Jefferson county, by way of Lexington and Vienna in Scott county, Salem and Livonia in Washington county, to Paoli in Orange county, be, and the same is hereby declared and established a state road.

Road from
Madison to
Paoli, declar-
ed a state
road.

SEC. 2. *Be it further enacted*, That the road leading from Jeffersonville via Charlestown in Clark county to Vienna, and thence to the slate ford in Scott county, and the road leading from Utica in Clark county, to Salem in Washington county, and the road from Brownstown to Phigley's stillhouse in Jackson county, and the road leading from Jeffersonville via Charlestown and New Washington in Clark county to Madison in Jefferson county be, and the same are hereby declared state roads.

From Jeffer-
sonville to the
slate ford.

From Utica
to Salem;
from Browns-
town &c.
from Jeffer-
sonville to
Madison de-
clared state
roads.

This act to take effect and be in force from and after its passage.

CHAPTER CLIII.

An Act to locate a State Road from the South Bend in St. Joseph county, via mouth of Elkhart and seat of justice in Lagrange county, to the East line of this State, in the direction of Vistula on Maumee bay in the State of Ohio.

[APPROVED, JANUARY 29, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Hiram Dayton of St. Joseph county, Al-

Route.

len Tibbets of Elkhart county, and Oliver Clapen of Lagrange county, be, and they are hereby appointed commissioners to survey, mark and locate a state road from the South Bend in St. Joseph county, by the way of the mouth of Elkhart River in Elkhart county, and the county seat of Lagrange county, to the east line of this state, in the direction of Vistula, on the Maumee Bay in the state of Ohio.

Com'rs when
to meet, &c.

SEC. 2. The said commissioners, or any two of them, shall meet at South Bend in St. Joseph county, on the first Monday of June next, or some subsequent day, as soon as a majority of them may agree upon, prior to the first day of October next, and after taking an oath faithfully and impartially to discharge the duties enjoined on them by this act, they shall proceed to survey, mark and locate said road, agreeably to the provisions contained in the first section of this act, having respect to individual rights, so far as not materially to increase the distance of said road; and shall within thirty days thereafter cause a report of the same to be filed in each of the clerks' offices, in the several counties through which said road may pass; which said report shall by said clerks be recorded in the record books of the boards doing county business respectively.

Vacancy.

SEC. 3. Should any vacancy happen by death, resignation or refusal to serve, of any of said commissioners, it shall be the duty of the board doing county business where such vacancy may happen, to fill the same; and that said commissioners be allowed two dollars per day each, while necessarily employed in such location: They shall take to their assistance a surveyor, chain carriers, marker and such other hands as to them may appear necessary, all of which shall be paid out of the county treasuries of the respective counties through which said road may pass, such allowance as may appear just and reasonable, by the boards doing county business.

Surveyor,

Road to be opened.

SEC. 4. It shall be the duty of the boards doing county business for the counties through which said road may pass, to cause the same to be opened and kept in repair.

This act to take effect and be in force from and after its passage.

CHAPTER CLIV.

An Act to establish a State Road from Rockville in Parke county via the Narrows of Sugar Creek in said county, to Lafayette in Tippecanoe county, and for other purposes.

[APPROVED, JANUARY 28, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Solomon Lusk of the county of Parke, be,

and he is hereby appointed a commissioner to locate and mark a state road from Rockville in Parke county, by the way of the Narrows of Sugar Creek in said county, Middletown and Pleasant Hill in Montgomery county, and Holloway's mill in Tippecanoe county, to Lafayette in said county. Said road to be run on the nearest and best ground; and as soon as convenient after the completion of said location, said commissioner shall proceed to locate and mark a state road, commencing at the Narrows of Sugar Creek in Parke county, running from thence by the way of Jacksonville, Hillsborough and Newtown in Fountain county to Middletown in Tippecanoe county, and from thence in a northern direction to intersect the state road leading from the Army Ford on Big Raccoon Creek to Lafayette.

SEC. 2. The commissioner aforesaid, shall proceed on the first Monday of May next, or on some subsequent day, prior to the first Monday of August ensuing, after taking an oath, faithfully and impartially to discharge the duty required of them by this act, to view, mark and locate said roads, between the aforesaid points; and said commissioner shall within thirty days after the location thereof, cause a report together with a plat of said roads, to be filed in the clerks' offices of the counties through which said roads may pass; which report shall be recorded by the clerks of said counties, in the record book of the board doing county business, within ten days after the same may have been filed as aforesaid.

Duty of commissioner,
when to commence.

SEC. 3. The commissioner aforesaid, or any one hereafter appointed, shall receive as a compensation for their services, one dollar per day for every day which they may be necessarily employed in making said location, to be allowed by the boards doing county business in each of the counties through which said roads may pass, in proportion to the distance which said roads run through said counties, to be paid by the county treasurers in said counties, out of any moneys not otherwise appropriated; and the surveyor, chain bearers and marker herein mentioned, shall severally be paid such reasonable compensation as the commissioner aforesaid may specify, to be allowed at the same time and in the same manner as above provided for the paying of said commissioners.

Compensation.

SEC. 4. Should any vacancy occur, by death, resignation, removal, or refusal to serve on the part of said commissioner, it shall be the duty of the board doing county business in the county of Parke at their next meeting thereafter, to appoint some suitable person to fill such vacancy, who shall in all respects be governed as herein provided for said commissioner.

Vacancy.

This act to be in force from and after its passage.

CHAPTER CLV.

An Act to establish a State Road from Mountpleasant in Martin county, to Springville in Lawrence county.

[APPROVED. FEBRUARY 1, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That William Baker be, and he is hereby appointed a commissioner to view, mark, lay out and locate a state road, on the nearest and best ground from Mountpleasant in Martin county, so as to intersect the Rockport state road, at or near Springville in Lawrence county.

Duty of commissioner, when to commence.

SEC. 2. It shall be the duty of the said commissioner, on the first Monday of March next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties enjoined on him by the provisions of this act, [to] proceed to view, mark, lay out and locate said road, and to make all the necessary surveys, taking with him, if necessary, a sufficient number of chain men, markers and surveyor, and shall within thirty days after making said location, cause a report thereof to be filed in each of the clerks' offices of the several counties through which the same may pass; which report shall, within ten days thereafter, be recorded in the record book of the several boards doing county business respectively.

Road to be opened.

SEC. 3. It shall be the duty of the several boards doing county business, through which said road may pass, if they deem it expedient, to cause the same to be opened any width not exceeding thirty feet, and made agreeably to, and under the provisions of the several acts that now are or hereafter may be in force relative to opening and keeping in repair roads and highways.

Vacancy.

SEC. 4. That in case of a vacancy by death, removal, resignation or refusal to serve of the said commissioner, it shall be the duty of the board of commissioners of Martin county, to fill said vacancy by appointment at their first meeting after such vacancy may occur.

Compensation.

SEC. 5. The commissioner aforesaid shall be allowed the sum of one dollar per day for each and every day he may be necessarily employed in discharging the duties required of him by this act, to be proportionally paid by each of said counties through which the same may pass, according to the distance which the same may be located in each.

This act to be in force from and after its passage.

CHAPTER CLVI.

An Act to establish a State Road from the Ohio line in Union county, to Richmond in Wayne county.

[APPROVED, JANUARY 28, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Daniel Clark of the county of Wayne, be, and he is hereby appointed commissioner to view and mark a state road, commencing at the north-west corner of Oxford township, on the Ohio line, at a point where a public road leading from the town of Liberty to Cincinnati crosses the same, running thence in a direction for the town of Richmond in Wayne county, taking in its route the store of B. L. Goodwin.

SEC. 2. The said commissioner shall, on the first Monday in June next, or on some subsequent day within thirty days thereafter, after taking an oath or affirmation, faithfully and impartially to discharge the duties required of him by this act, proceed to view and mark said road between the points aforesaid, in as straight a line as suitable ground can be had, having respect to private property, so far as not materially to increase the distance of said road. And the said commissioner shall, within thirty days after the location thereof, file a report of the route of said road in each of the clerks' offices of the counties through which said road passes; which said report shall by said clerks be recorded in the record books of the several boards doing county business respectively.

Duty of the commissioner —when to commence.

SEC. 3. Should the commissioner aforesaid resign, or refuse to qualify, the board doing county business for the county of Wayne, may if they think proper, appoint some suitable person to fill such vacancy.

SEC. 4. The board doing county business through whose territory the road may pass, shall if they think proper, allow the said commissioner the sum of one dollar for each day he may be employed in laying out said road, and likewise a reasonable compensation to such persons as he may employ to assist in the survey and marking of said road; the expense to be equally divided between the counties through which the said road may be located.

Compensation.

This act to be in force from and after its passage.

LAWS OF INDIANA.

CHAPTER CLVII.

An Act to locate a State Road from Frenchtown in Warren county to Lusk's mill in Parke county.

[APPROVED, FEBRUARY 2, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John Marlatt of Fountain county be, and he is hereby appointed a commissioner to view, survey, and locate a state road from Frenchtown in Warren county, by the way of Attica and Rob Roy in Fountain county to Lusk's mill in Parke county.

Duty of commissioner, when to commence.

SEC. 2. It shall be the duty of said commissioner, on the first Monday in May next, or as soon thereafter as practicable, after taking an oath faithfully and impartially to discharge the duties enjoined on him by this act, to proceed to lay out, survey, and mark a state road from Frenchtown in Warren county, crossing the Wabash River at a point as near opposite said town as the ground will admit of, and run from thence the nearest and best way by Attica and Rob Roy in Fountain county to Lusk's mill in Parke county, and shall make out a report of the survey of said road, a copy of which shall be by him filed in each of the several clerk's offices of the counties through which the same may pass, and it is hereby made the duty of such clerks to record the same in the record books of the boards doing county business in the several counties within twenty days thereafter.

Compensation.

SEC. 3. The board doing county business in each of said counties, shall allow to such commissioner such compensation for his services, and for paying such surveyor, chain carriers, and markers as may be necessary to carry into effect the provisions of this act, as they may deem just and equitable, in proportion to the distance such road may run in each of said counties.

Road to be opened.

SEC. 4. And it shall be the duty of the boards doing county business in the counties of Fountain and Parke, at their next session after the location of said road, to cause the same to be opened any width not exceeding forty feet, to be made and kept open agreeably to the several acts now in force relating to roads and highways; and if the commissioner herein appointed shall refuse to qualify, resign, or die, the board doing county business in Fountain county shall appoint some suitable person to fill such vacancy.

This act to take effect and be in force from and after its passage.

CHAPTER CLVIII.

An Act to establish a State Road from Bloomington in Monroe county, by the way of Bale's ferry, to Leesville in Lawrence county.

[APPROVED, FEBRUARY 2, 1833.]

Whereas, it is represented to this general assembly that the nearest and best route for a road from Bloomington to Leesville lies by the way of Bale's ferry on Salt Creek, and that a convenient bridge is nearly completed over said creek at that place—Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Abram Buskirk of Monroe county is hereby appointed a commissioner to view, mark, and locate a permanent state road from Bloomington in Monroe county to Leesville in Lawrence county on the nearest and best route that the nature of the ground will admit of, by the way of Bale's ferry on Salt Creek: *Provided*, that such road may be so located on any part or the whole of the road now connecting the aforesaid three points, should said commissioner find the same to be the best and nearest route.

SEC. 2. Said commissioner shall, after taking an oath faithfully to discharge the duties required of him by this act, proceed to view, mark, and locate said road, and shall within thirty days thereafter file a report thereof in the clerk's office of each of said counties, and said clerks respectively shall, within ten days thereafter, record the same in the record books of the boards doing county business respectively of said counties.

SEC. 3. Each of said boards shall, at their first session after such report is filed, cause so much of said road as lies within their county to be opened any width not exceeding forty-eight feet, and to be repaired from time to time, under the provisions of the law for opening and repairing public roads and highways in such county.

SEC. 4. Such commissioner may in his discretion select not more than two persons, of whom one may be a surveyor, to aid him in viewing, marking and locating said road; and each of said boards shall make a reasonable allowance to said commissioner and the persons, if any, by him employed as aforesaid, as a compensation for the services on so much of said road as lies within their county; to enable them to do which, said commissioner shall file, at the time of filing said report, his account of the number of hands and days in such services on that part of said road.

SEC. 5. Any vacancy happening in the office of said commissioner, by death, resignation, refusal to qualify, or removal,

al, shall be filed by the board doing county business of their county.

CHAPTER CLIX.

An Act to alter a part of the Mooresville and Crawfordville State Road lying between Mooresville and Danville.

[APPROVED, FEBRUARY 1, 1833.]

Be it enacted by the General Assembly of the State of Indiana, That the state road from Mooresville to Danville be, and the same is hereby altered as follows: leave the state road where the county road leaves the same at the north end of William Townsend's lane, thence along the county road in a straight direction to the national road at or near the bridge across White Lick creek, thence west along the national road to Alexander Little's, thence north with the old county road, until it passes William T. Matlock's farm, thence with the present location to Jacob Spicklemire's, thence with the old county road to the public square in the town of Danville; and the present location of said state road from Townsend's to Little's, and from Little's until [it] passes William T. Matlock's, and from Spicklemire's to the public square in the town of Danville are hereby vacated.

This act to be in force from and after its passage.

CHAPTER CLX.

An Act providing the mode of opening and repairing Public Roads and Highways in the county of Monroe.

[APPROVED, FEBRUARY 2, 1833.]

Persons liable to work upon the roads in Monroe county.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That in the county of Monroe, that each and every able bodied male person of the age of twenty-one years and under fifty, (preachers of the gospel, ferrymen, and such other persons as shall for good cause be excused by the board doing county business excepted,) shall be subject to work on the roads and highways in the road district in which he resides, whenever the supervisors of the district shall consider it necessary; and if any such person has had three days notice of the time and place allotted for working any road or highway in his district and shall neglect or refuse to attend in person, or by substitute satisfactory to the supervisor, at the time and place appointed within said district,

with such tool or instrument as the supervisor may direct, or having attended shall neglect or refuse to obey the supervisor, or spend his time in idleness and neglect the business assigned him, shall forfeit and pay the sum of fifty cents for each day's default, to be recovered by action of debt in the name of the supervisor, before any justice of the peace of the county where such delinquent resides or may be found; which sum the said supervisor shall be accountable for, and which shall be appropriated and expended in repairing the roads in his district.

SEC. 2. Every person who shall at the request of the supervisor of his road district, furnish a plough or wagon, with a pair of horses or oxen and driver, and with them perform one or more days' work, shall for each day's work performed receive a credit for three days' work, and so in proportion for services of a similar kind with greater or less force. In cases where the supervisor has not an opportunity of giving a personal notice of the time and place appointed for such work, a written notice of such appointment left at the dwelling house or usual place of residence of the party shall be deemed sufficient. Credit for furnishing wagon, &c.
Notice, what sufficient.

SEC. 3. It shall be the duty of the board doing county business in the county named in the first section of this act to appoint a suitable number of supervisors and designate for each of them the roads and hands confined to his superintendence. Board of commissioners to appoint supervisors.

SEC. 4. In all cases where the supervisor shall wilfully fail or neglect to keep his said road in good repair or to faithfully appropriate monies collected or received for the use of his road, or in any manner to comply with the duties required of him by this act, he shall forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace in the proper township to the use of the said road. Penalty on supervisors for failing to keep road in repair.

This act to be in force from and after its publication in the county named in the first section of this act, any law, usage, or custom to the contrary notwithstanding.

CHAPTER CLXI.

An Act to locate a State Road from Greencastle, by the way of Putnamville, to Thomas Evans' farm.

[APPROVED, JANUARY 30, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That James Nance of Putnam county be ap- Route.

pointed a commissioner to view and mark a state road from Greencastle, by the way of Putnamville, to Thomas Evans' farm in said county.

Duty of commissioner, when to commence.

SEC. 2. The said commissioner shall attend at Greencastle on the first Monday in April next, or as soon thereafter as may be convenient, and after taking an oath faithfully to discharge the duties assigned him, shall proceed to view and mark said road, and shall within thirty days thereafter cause a report thereof to be filed in the clerk's office of the county of Putnam, the same to be recorded in the record book of the board doing county business of said county.

Road to be opened.

SEC. 3. It shall be the duty of the board doing county business in said county to cause said road to be opened any width not exceeding fifty feet, and made agreeably to and under the several acts that now are or may be hereafter in force relative to opening public roads and highways.

Vacancy.

SEC. 4. Should a vacancy happen by death, resignation, or otherwise, the board doing county business in said county shall have power to fill the same.

Compensation.

SEC. 5. The commissioner aforesaid shall receive one dollar per day for his services, and each hand by him necessarily employed seventy-five cents per day, to be paid out of the three per cent. fund appropriated to the said county of Putnam, on order of the board doing county business in said county.

Part vacated.

SEC. 6. The board doing county business in said county may, if they deem it expedient, vacate so much of the present state road from Greencastle to Teel's mill as lies between Greencastle and the said Evans' farm.

Amount to be drawn from three per cent fund.

SEC. 7. That the commissioner aforesaid is hereby authorized to draw from the agent of the three per cent. fund, on the order of the board doing county business for said county, and by his giving bond as is required of other commissioners, the sum of thirty dollars out of the five hundred dollars appropriated to the county of Putnam, to be expended in cutting out said road as mentioned in the first section of this act.

This act to be in force from and after its passage.

CHAPTER CLXII.

An Act to locate and establish a State Road from the Fort Wayne road near Stephen Stutman's, by the way of the mouth of Elkhart River, to the state line in the direction of Edwardsburgh in Michigan Territory.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Eli Penwell of the county of Elkhart be, and he is hereby appointed a commissioner to survey and locate a state road in Elkhart county on the nearest and best route, by the way of the mouth of Elkhart River, to the state line in the direction of Edwardsburgh in Michigan Territory.

Duty of commissioner, when to commence.

SEC. 2. The commissioner aforesaid, after being duly sworn faithfully and impartially to discharge the duties assigned him by this act, shall proceed on or before the first day of July next to survey and locate the said road as aforesaid, and shall within ten days thereafter file a report of the same in the clerk's office in the county of Elkhart.

SEC. 3. The commissioner aforesaid shall be entitled to receive for all services rendered by authority of this act, the sum of one dollar per day, to be paid out of the county treasury.

Compensation.

CHAPTER CLXIII.

An Act to establish a State Road from Frankfort to a point on the Michigan Road and for other purposes.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Joseph Bickly be, and he is hereby appointed a commissioner to survey, mark, and locate a state road on the nearest and best route from Frankfort in Clinton County to a point on the Michigan road in a direction with Lafayette and Frankfort, which would strike north of the bridge on Sugar Creek.

Duty of commissioner, when to commence.

SEC. 2. The commissioner aforesaid, after being duly sworn faithfully and impartially to discharge the duties assigned him by this act, shall proceed on or before the first day of May next to survey and locate the said road on the nearest and best route as aforesaid, and shall within thirty days thereafter file a report of the same in the clerk's office of the said county of Clinton.

SEC. 3. The commissioner aforesaid shall be entitled to receive for all his services rendered by authority of this act,

Compensation.

the sum of one dollar per day, to be paid by the county of Clinton.

This act to take effect and be in force from and after its passage.

CHAPTER CLXIV.

An Act to re-locate so much of the Knightstown State Road as lies between Pendleton in Madison county and Strawtown in Hamilton county.

[APPROVED, FEBRUARY 2, 1833.]

Part to be re-located.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Saul Riger of the county of Madison be, and he is hereby appointed a commissioner to re-locate so much of the state road leading from Knightstown in Henry county to Strawtown in Hamilton county as lies between Pendleton in Madison and Strawtown in Hamilton county.

Duty of commissioner, when to commence.

SEC. 2. The commissioner aforesaid shall, on the first Monday in May next, or on some subsequent day, and after taking an oath faithfully and impartially to discharge the duty assigned him by this act, proceed to view, mark, and re-locate the road aforesaid, on the nearest and best direction, having due regard to individual rights, so far as not materially to increase the distance of said road, taking with him a surveyor, chain carriers, and marker, a plat of which location he shall file in the clerks' offices of the counties of Madison and Hamilton, within twenty days after the location is made.

Road to be opened.

SEC. 3. It shall be duty of the boards doing county business in the counties of Madison and Hamilton at their next meeting after the location is made to cause the same to be opened any width not exceeding forty feet, and made agreeably to and under the provisions of an act entitled "an act for opening and repairing public roads and highways."

Compensation.

SEC. 4. The commissioner aforesaid, chain carriers, surveyor, and marker shall each be entitled to a reasonable compensation for their services, to be paid out of the first monies received from the agent of the three per cent. fund, by the counties of Madison and Hamilton, not otherwise appropriated.

This act to take effect and be in force from and after its passage.

CHAPTER CLXV.

An Act to locate a State Road from Delphi in Carroll county, to Crawfordsville in Montgomery county.

[APPROVED, FEBRUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Heaton of Tippecanoe county, be, and he is hereby appointed a commissioner to locate, mark, and lay off a state road, commencing where the section line that runs by John Circle's mill in Tippecanoe county intersects the state road leading from Lafayette to Delphi, thence running south on the section line by the way of John Circle's mill on the south fork of Wild Cat, thence due south on the section line to Monroe in Tippecanoe, thence south as near as practicable until it intersects the Fort Wayne road leading from Crawfordsville to Frankfort, Clinton county, thence with said road to the town of Crawfordsville.

SEC. 2. The commissioner aforesaid, shall if he thinks it advisable, call to his aid a surveyor, marker and chain carriers, each of whom shall be entitled to a reasonable compensation for their services, payable out of the several county treasuries in proportion to the length of said road in each of the counties through which said road may pass, to be allowed by the several boards of county commissioners on the certificate of said road commissioner.

SEC. 3. It shall be the duty of the said commissioner to make, if surveyed, a plain survey and plat of said road, with the courses and distances, if only marked, a plain and full description of the ground by him designated and located as such road, a copy of which shall be returned by said commissioner into [the] clerks' offices of each of said counties through which the same is located, or so much as is in such county.

SEC. 4. The said commissioner shall take an oath, faithfully to discharge all his duties as commissioner; and for which services he shall be allowed one dollar per day out of the county treasuries of the several counties through which said road is located, in proportion to the number of miles in each of the several counties through which the same may pass.

This act to be in force from and after its publication.

LAWS OF INDIANA.

CHAPTER CLXVI.

An Act to locate and establish a State Road from Orleans in Orange county, via Livonia in Washington county, to intersect the State Road leading from New-Albany to Vincennes in the direction of Greenville in Floyd county.

[APPROVED FEBRUARY 2, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John B. Moyer of Orange county, and James McPheters, sen. of Washington county, be, and they are hereby appointed commissioners to view, locate, and mark a state road from Orleans in Orange county, by way of Livonia, Daniel Sherwood's, and west of Paul Kester's farm in Washington county, to intersect the state road leading from New-Albany to Vincennes in the direction of Greenville in Floyd county.

Com'rs, when to meet, &c.

SEC. 2. Said commissioners shall meet in the town of Orleans on the first Monday of May next, or on some subsequent day to be by them agreed upon, and after taking an oath, faithfully and impartially to discharge the duties assigned them by this act, shall proceed to view, locate and mark said road on the nearest and best possible route, having due regard to individual rights; and shall within thirty days after the location thereof, cause a report of the same to be filed in the clerks' office of each of the counties through which said road shall pass; which report shall within ten days after being filed, as aforesaid, be entered on the record book of the boards doing county business in such counties.

Road to be opened.

SEC. 3. It shall be the duty of the boards doing county business in each of the counties through which the said road shall pass, at their first meeting after the location of said road, and filing a report thereof as aforesaid, to cause the same to be opened any width not exceeding forty feet, and made agreeably to and under the provisions of the several acts, which now are, or hereafter may be in force for opening and repairing public roads and highways.

Compensation.

SEC. 4. It shall be the duty of the boards doing county business in the counties through which the said road shall pass, to allow to each of the commissioners aforesaid, such compensation as they may deem reasonable and just for the services rendered under the provisions of this act, in proportion to the length of said road in such county, to be paid out of the county treasury.

Repeal.

SEC. 5. So much of an act entitled, "an act to establish a state road from Fredericksburgh in Washington county, to Terre-Haute in Vigo county," approved February 2,

1832, as comes within the purview of this act, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER CLXVII.

An Act supplemental to an act authorizing the location of a State Road from Lafayette to Lake Michigan.

[APPROVED, FEBRUARY 2, 1833.]

WHEREAS, by an act, approved February 10, 1831, appointing Lismund Bayse a commissioner to locate a state road from Lafayette to the mouth of Trail creek on Lake Michigan; and also an act amendatory of the above named act, approved January 26, 1832, transferring the office of commissioner of the aforesaid road to Joseph Allen, no provision was made, to authorize the said commissioners to settle their accounts, either with the agent of the three per cent. fund or the boards doing county business through which the said road passes—for remedy thereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the county of Carrol, is hereby authorized to examine the accounts of the said commissioners, and to make such allowance to each of them as they may find to be just and reasonable according to the provisions of the several laws under which the said commissioners were appointed; and such allowances to the said commissioners, are to be taken out of the sum of three hundred dollars appropriated by several acts of the legislature out of the three per cent. fund, which heretofore accrued to the counties of Tippecanoe, Carrol and Laporte, to defray the expenses of locating said road; which said amount, it appears, has been drawn by Joseph Allen, one of the said commissioners, from the agent of the three per cent. fund.

SEC. 2. The aforesaid commissioners are hereby directed and required, on or before the first Monday of August next, to file a statement of their accounts, together with their vouchers, with the board of commissioners of the said county, who shall make them such allowance, and allow such of their expenses as they may find to be just and proper.

This act to be in force from and after its passage.

Preamble.

Board of commissioners of Carroll county, may make allowance to road com'rs.

Duty of road com'rs.

CHAPTER CLXVIII.

An Act to locate the Alquina State Road.

[APPROVED, FEBRUARY 1, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Matthew Robison of Fayette county, be, and he is hereby appointed a commissioner to view, mark, and locate a state road, commencing at the town of Centreville in Wayne county, thence along and upon the county road leading from Centreville to Brownsville in Union county to Philomath, thence the nearest and best way to the town of Alquina in Fayette county, thence to Wright's mill, thence south along and upon the county road leading from Wright's mill until the same intersects the road leading from Connersville to Brookville.

Duty of com'r when to commence.

SEC. 2. That said commissioner shall on the first Monday in March next, or on some day thereafter, proceed to view, mark, and locate said road, and to make all necessary surveys, taking with him a sufficient number of chain bearers and markers, and a surveyor, and shall within thirty days after the location thereof, cause a report to be filed in each of the clerks' offices in the counties through which said road may pass; which report shall within twenty days thereafter, be recorded in the record books of the several boards doing county business respectively.

Com'r to take releases.

SEC. 3. That the said commissioner is hereby authorized previously to making any absolute locations of said road, to take releases of the various individuals through whose land said road may run, of all damages which any individual or individuals may sustain in consequence of said road running through his, her, or their lands; and the bond or bonds of such releases, shall be by said commissioner deposited in the clerk's office of the county of Fayette, to be by said clerk filed in his office: *Provided*, that nothing herein contained shall be so construed as to authorize the location of said road through any improved lands, if a good way can otherwise be had without too greatly increasing the length of said road.

Vacancy.

SEC. 4. That in case a vacancy shall happen by death, refusal to qualify, or otherwise, it shall be the duty of the board doing county business in the county of Fayette, to fill such vacancy at their first meeting after such vacancy may occur.

Oath.

SEC. 5. No person shall be allowed to act as such commissioner until he shall have been duly sworn by some person authorized to administer oaths, faithfully to discharge his duty as such commissioner; and it shall be the duty of

the several boards doing county business in each county through which said road may pass, to pay all persons necessarily employed in such location, a reasonable compensation for his or their services, in proportion to the length of said road in each county.

This act to be in force from and after its publication in the Argus, a newspaper published in the town of Connersville, Indiana.

CHAPTER CLXIX.

An Act for the location of a State Road.

[APPROVED, FEBRUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Absalom Kirkpatrick of the county of Montgomery be, and he is hereby appointed a commissioner to view, mark, and locate a state road commencing at Covington in Fountain county, thence to Newtown in said county, thence to Thorntown in Boon county, thence to a point in Hamilton county where the state road that leads from Lafayette in Tippecanoe county to Strawtown in Hamilton county crosses Cicero creek.

SEC. 2. The commissioner aforesaid shall proceed on the first Monday of May next, or some subsequent day, after taking an oath faithfully and impartially to discharge the duties assigned him by this act, to view, mark, and locate said road the nearest and best way, having due regard to private property, and shall make all necessary surveys, taking with him a surveyor and a sufficient number of chain bearers and markers for that purpose if he shall think it necessary, and shall within thirty days after the location thereof, cause the same to be reported and filed in each of the clerk's offices of the counties of Fountain, Montgomery, Boon, and Hamilton; and it shall be the duty of the counties aforesaid to cause the same to be recorded in the record books of the boards doing county business within ten days thereafter.

SEC. 3. Should a vacancy happen by death, resignation, or otherwise, it shall be the duty of the board doing county business in and for the county of Montgomery to appoint some suitable person to fill such vacancy, who shall take the same oath that is required of the commissioner herein appointed.

SEC. 4. It shall be the duty of the several boards doing county business to allow the commissioner, surveyor, chain bearers and markers, a reasonable compensation to be paid

in proportion to the distance of said road in each county out of any monies not otherwise appropriated.

This act to take effect and be in force from and after its passage.

CHAPTER CLXX.

An Act to provide for the location of a State Road from Newport in Vermillion county, by the way of Springfield, Eugene and Perrysville to the northern boundary of said county.

[APPROVED, JANUARY 30, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Thompson of Vermillion county be, and he is hereby appointed a commissioner to locate a state road from Newport in Vermillion county, thence on or near the county road through Springfield to Eugene, thence crossing the Vermillion River at or near the steam mill in said town, thence on the best route to Joseph Westcoat's, thence in a north east direction to a point on the county road leading from Perrysville to the Vermillion river, eighty rods north of the north east corner of section number twenty-nine, township number eighteen north of range nine west, thence to Perrysville, thence to the northern boundary line of said county where a state road through Baltimore and Williamsport to Lagrange in Warren county intersects said line.

Duty of commissioner, when to commence.

SEC. 2. The commissioner aforesaid shall, on the first Monday in May next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties required of him by this act, proceed to view, mark, and locate said road, and shall have power to employ a surveyor, marker and chain carriers for that purpose, and shall within thirty days after the location thereof cause a report of the same to be filed in the clerk's office of Vermillion county, to be recorded by the clerk in the record book of the board doing county business in said county within ten days after filing the same.

Vacancy.

SEC. 3. Should a vacancy happen by death, resignation, or otherwise, the board doing county business in said county shall have power to appoint a commissioner to fill such vacancy.

Compensation.

SEC. 4. The board doing county business in the county of Vermillion shall make such allowance to the commissioner aforesaid and to the persons employed by him, as named in the second section of this act, for their services, as to them shall seem just and reasonable, to be paid out of the county treasury.

SEC. 5. It shall be the duty of the board doing county business in Vermillion county to cause said road to be opened. Road to be opened.
be opened any width not exceeding fifty feet, under the provisions of the several acts for opening and repairing public roads and highways.

This act to be in force from and after its passage.

CHAPTER CLXXI.

An Act appointing a Commissioner on Roads number ten and number twenty-six, and to authorize the expenditure by him of the balance due said roads, and for other purposes.

[APPROVED, JANUARY 18, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That William Richards of the county of Washington be, and he is hereby appointed a commissioner to draw from the agent of the three per cent. fund the unexpended balance of former appropriations due roads number ten and twenty-six, and to expend the same in the improvement of said roads, carefully applying the amount due each road to the improvement of the same. W. Richards, commissioner

SEC. 2. The said Richards shall, before entering upon Bond. the duties of his appointment, file in the clerk's office of the county of Washington, his bond with security to be approved by said clerk, in the sum of fourteen hundred dollars, payable to the state of Indiana and conditioned for the faithful performance of the duties of his appointment; and the agent of the three per cent. fund is hereby authorized and required to pay over to the said commissioner or to his order all the balance of former appropriations due said roads.

SEC. 3. The boards doing county business in the counties of Washington and Floyd may authorize said commissioner to make such changes in the location of said roads as they may deem necessary or proper to be made for the public benefit, and whenever such change (if any) be made, it shall be the duty of said commissioner to file a report of the same in the clerk's office of the county in which such change has been made, which report shall be by said clerk entered on the record book of the board doing county business, and shall thereafter constitute a part of said road as fully to all intents and purposes as though it had been in the first place so located. County commissioners may authorize changes to be made in the roads.

SEC. 4. Said commissioner shall be allowed the sum of Compensation. one dollar and twenty-five cents per day for each and every day he shall necessarily be engaged in the discharge of the duties of his appointment, to be paid out of the money

which may come into his hands applicable to the improvement of said roads.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXII.

An Act to establish a State Road from the town of Michigan to the town of Jefferson, by the way of Frankfort in the county of Clinton, Indiana.

[APPROVED, JANUARY 31, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That James Watt be, and he is hereby appointed a commissioner to locate a state road commencing at the town of Michigan in Clinton county, thence by the way of Frankfort, to Jefferson in said county.

Duty of the commissioner—when to commence.

SEC. 2. The commissioner aforesaid shall, on or before the tenth day of May next, or some subsequent day, after taking an oath faithfully and impartially to discharge the duties assigned him by this act, proceed with such surveyor and other hands as may be necessary to locate and distinctly mark the road committed to them in the nearest and best direction, having due regard to the quality and situation of the ground; a plat of which location they shall file in the clerk's office of the said county of Clinton; and it shall be the duty of the board doing county business in said county, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding forty feet, and made agreeably to and under the provisions of an act entitled "an act for opening and repairing public roads and highways."

Compensation.

SEC. 3. That the commissioner aforesaid shall be allowed one dollar per day for every day he may necessarily be employed in the location of said road, together with such other and further allowance to the persons he may employ as aforesaid as the said board shall deem just and right, which, with all other necessary expenses, shall be paid out of the first money received from the agent of the three per cent. fund by said county of Clinton; and the further sum of seventy-five dollars be, and the same is hereby appropriated out of the five hundred dollars ordered to be paid to said county by the said agent of the said fund, to be applied on the said road under the direction of the commissioner aforesaid.

CHAPTER CLXXIII.

An Act to locate a State Road from Delphi to Munceytown.

[APPROVED, FEBRUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel W. Harlam of Munceytown, Delaware county, be, and he is hereby appointed a commissioner to view, mark, and locate a state road from Delphi in Carroll county to Munceytown in Delaware county. The said commissioner shall appear at the town of Delphi or Munceytown on the first Monday of May next, or some subsequent day, and after taking an oath faithfully and impartially to discharge the duties herein enjoined upon him, shall proceed to view, mark, and locate said road upon the nearest and best route, having a due regard for the property of individuals, also to the suitableness of the ground through which it may pass.

SEC. 2. The said commissioner shall, within thirty days after the location of said road, file a report of the same in the clerks' offices of the several counties through which the same may pass; and it is hereby made the duty of such clerks to record the same in the record books of the boards doing county business in the several counties.

Duty of commissioner, when to commence.

SEC. 3. The commissioner may, if he think necessary, take to his assistance a surveyor, two chain carriers, and a marker, who shall be allowed such compensation as the boards doing county business shall deem reasonable; and the said commissioner shall be allowed one dollar for each day in which he may be necessarily employed in the discharge of the duties herein enjoined upon him. The expense of the location of the said road shall be divided equally between the several counties in proportion to its length in their respective limits.

Report.

SEC. 4. These several boards doing county business shall cause the said road to be opened and kept in repair as other roads are.

Road to be opened.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXIV.

An Act to locate a State Road from James Marr's in Bartholomew county, to Joab Woodruff's in Johnson county.

[APPROVED, FEBRUARY 1, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State* Route.

of Indiana, That James Marr, sen'r, of Bartholomew county, be, and he is hereby appointed a commissioner to view, mark and locate a state road, commencing at said James Marr's, thence on the nearest and best route to the ford of Driftwood fork of White River near Tannehill's mills, thence on the nearest and best route to intersect the state road leading from Edinburgh to Martinsville near Joab Woodruff's in Johnson county.

Duty of com'r when to commence.

SEC. 2. The commissioner aforesaid shall proceed, on the first Monday of June next, or as soon thereafter as may suit his convenience, after having taken an oath faithfully and impartially to discharge the duties assigned him by this act, to view, mark and locate said road, and shall within thirty days thereafter, cause a report thereof to be filed in the clerks' offices of the counties of Bartholomew and Johnson, the same to be recorded in the record books of the boards doing county business in said counties.

Compensation.

SEC. 3. The boards doing county business in said counties, shall make to said commissioner such compensation for his services as they may deem just and reasonable in proportion to the distance said road shall run in each county, the same to be [paid] out of any money which said counties may have on hand pertaining to roads.

Road to be opened.

SEC. 4. It shall be the duty of the boards doing county business in said counties, to cause said road to be opened any width not exceeding forty feet, and made agreeably to and under the provisions of an act for opening and repairing public roads and highways.

Vacancy.

SEC. 5. Should said commissioner refuse to qualify, die or otherwise fail to perform the duties herein assigned him, the board doing county business in the county of Bartholomew, shall fill such vacancy.

This act to be in force from and after its publication.

CHAPTER CLXXV.

An Act to locate a State Road from Greensburg by way of Hartsville, to Columbus.

[APPROVED, JANUARY 28, 1833.]

Route.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Fuget and William Hopkins, of Decatur county, and Robert Hiner, of Bartholomew county, be, and they are hereby authorized to view, mark and locate a state road, commencing at the town of Greensburg in Decatur county, running from thence the nearest and

best way that a road can be had, to Hartsville in Bartholomew county, and from thence the nearest and best way to Columbus: *Provided, however*, that said commissioners in making such location, shall have power, in their discretion, to intersect the state road from Napoleon via Camden, Newbern and Columbus to Bloomington, at or west of Newbern.

SEC. 2. The commissioners aforesaid, shall meet at the town of Greensburg on the first Monday of April next, or on some subsequent day, and after taking an oath, faithfully and impartially to discharge the duties required of them by this act, [shall proceed] to view, mark and locate said road, and shall make all necessary surveys, taking with them a sufficient number of chain carriers and markers for that purpose; and shall within ten days after the location thereof, cause the same to be filed in each of the clerks' offices of the counties of Decatur and Bartholomew; and it shall be the duty of the clerks of the counties aforesaid, to record the same in the record book of the board doing county business, within ten days thereafter.

SEC. 3. It shall be the duty of the board doing county business, in each of the counties aforesaid, at their next session after the filing of said report, to cause the said road to be opened any width not exceeding forty feet, in the same way as is now, or may hereafter be provided for opening and repairing public roads and highways.

SEC. 4. Should any vacancy happen, by death, resignation or otherwise, it shall be the duty of the board doing county business in the county where such vacancy may happen, to appoint some suitable person to fill such vacancy, who shall take the same oath before entering upon the duties herein required, as is required of the commissioners herein appointed.

SEC. 5. It is hereby made the duty of the several boards doing county business in the counties aforesaid, to make to the commissioners, chain carriers and markers, such allowance as may seem reasonable, which shall be paid by the counties aforesaid, in proportion to the length of said road in each county, out of any money not otherwise appropriated.

This act to take effect and be in force from and after its passage.

LAWS OF INDIANA.

CHAPTER CLXXVI.

An Act to locate a State Road from Newcastle in Henry county, to Munceytown in Delaware county.

[APPROVED, FEBRUARY 2, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Elijah Martindale of the county of Henry, be, and he is hereby appointed a commissioner to view, mark and locate a state road from Newcastle in Henry county, to Munceytown in Delaware county.

Duty of commissioner, when to commence.

SEC. 2. The said commissioner shall, on the first Monday of July next, or on some subsequent day after taking an oath faithfully and impartially to discharge the duties required of him by this act, proceed to view, mark and locate said road on the nearest possible route that suitable ground can be found; and said commissioner is hereby authorized to employ a surveyor and such other aids, as he may deem necessary for that purpose; and said commissioner shall within twenty days after the location thereof, file in each of the clerks' offices in said counties, a map of said road and the field notes thereof, which shall be recorded in said offices, and said road may be opened any width not exceeding forty feet.

What money to be applied.

SEC. 3. The board doing county business in the county of Henry, is hereby authorized to apply seventy-five dollars of the money appropriated to said county out of the three per cent. fund, to the locating and improving of so much of said road as lies within the county of Henry; and the board doing county business in the county of Delaware, is hereby authorized to apply seventy-five dollars of the money appropriated to said county out of the three per cent. fund, to the locating and improving of so much of said road as lies within the county of Delaware.

Compensation.

SEC. 4. The boards doing county business in the counties of Henry and Delaware, shall make to said commissioner and such aids as he may employ, a reasonable compensation for their services, to be paid out of the sums hereby applied to said road in proportion to the time necessarily spent in each county in the locating of said road. Should said commissioner by any means fail to perform the duties enjoined on him by this act, by the first day of August next, the board doing county business in the county of Henry, shall appoint some fit person to perform said duties.

Vacancy.

This act to take effect and be in force from and after its publication.

LAWS OF INDIANA.

CHAPTER CLXXVII.

An Act to authorize the expenditure of the Three per cent. Fund, heretofore appropriated for the county of Adams.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Edmund B. Goodridge of Randolph county, be, and he is hereby appointed a commissioner on that part of the state road leading from Winchester in Randolph county, to Fort Wayne, which lies in the bounds of Adams county, whose duty it shall be to receive from the agent of the three per cent. fund, four hundred dollars, being the amount appropriated to each county in the state, according to the provisions of the "act appropriating part of the three per cent. fund," approved, February 10, 1831; and to expend the same in constructing that part of said state road which lies in said county of Adams, in the following manner, viz: The said road shall be cleared for the space of twenty-five feet in width in the centre thereof, of all trees and under growth not exceeding eighteen inches in diameter, and also all logs and brush which may be in said space, so that the whole be removed entirely therefrom; and the remainder of the money which shall be over and above paying for the clearing of the same aforesaid, shall be applied in bridging and causewaying such places on said road as in the opinion of the commissioner aforesaid, will best subserve the public good.

Edward B. Goodridge, com'r, his duty.

SEC. 2. The commissioner aforesaid shall on or before the first day of July next, file a bond in the penal sum of eight hundred dollars, with sufficient security, to be approved by the agent of the three per cent. fund, and conditioned for the faithful performance of the duties required of him by this act; and before entering on the discharge thereof, shall take an oath or affirmation, faithfully and impartially to perform the same.

Bond.

Oath.

SEC. 3. The commissioner aforesaid shall advertise the work to be done by setting up a manuscript advertisement in the county of Randolph and such public places in the vicinity of said road, as will give general notice of the same, at least thirty days previous to the first day of August next, and shall then conclude contracts with the lowest best bidders, with sufficient security to have the work enjoined in this act, finished on or before the first day December next. He shall receive as a compensation, one dollar per day, for every day necessarily employed under the provisions of this act. He shall also keep a correct account of all moneys paid out by him on account of said road, take duplicate re-

Work to be advertised.

Compensation.

ceipts therefor, and file his report of proceedings, accounts and receipts of expenditures with the agent of the three per cent. fund, on or before the twenty-fifth day of December next.

Duty of agent
of 3 per cent.
fund.

SEC. 4. The agent of the three per cent. fund is hereby authorized and directed to pay the said sum of four hundred dollars to said commissioner, as soon as he shall execute to him the bond for the penal sum contemplated by this act.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXVIII.

An Act to establish a State Road from Fairplay in Greene county, to intersect the Vincennes State Road, at or near Benjamin Stafford's in said county.

[APPROVED, FEBRUARY 1, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Simons and Samuel Batman, be, and they are hereby appointed commissioners to mark, lay out and locate a state road from Fairplay, so as to intersect the Vincennes state road at or near Benjamin Stafford's in said county, the same to cross Lattie's creek at the most convenient point for bridging on that direction.

Com'rs when
and where to
meet, &c.

SEC. 2. That the said commissioners shall meet in the town of Fairplay on the first Monday in March next, or on some other subsequent day to be agreed upon by said commissioners, and after taking an oath faithfully and impartially to discharge the duties enjoined upon them by the provisions of this act, proceed to mark, lay out and locate said road as provided in the first section of this act.

Surveyor, &c.

SEC. 3. That said commissioners, if they deem the same necessary, may employ a surveyor, chain men and marker, to make the location of the said road, whose duty it shall be to file in the clerk's office of said county, a report of their proceedings and the field notes of said road; and it is hereby made the duty of said clerk to record the same in the record book of the county commissioners within twenty days after filing the same.

Appropriation.

SEC. 4. *Be it further enacted*, That the sum of fifty dollars, being a portion of the sum of five hundred dollars appropriated to the county of Greene aforesaid, be applied to building a bridge across Lattie's creek, where the state road authorized by this act crosses the said creek.

SEC. 5. The provision of an act entitled, "an act to ap-

propriate a part of the three per cent. fund, be, and the same is hereby applied under the direction of the commissioners herein appointed to build a bridge across Lattie's creek, where said road may cross the same, where said road shall be located.

CHAPTER CLXXIX.

An Act to locate a State Road from Andersontown in Madison county, to Logansport in Cass county.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jacob Shawles of Madison county, and Alexander Chamberlin of Cass county, be, and they are hereby appointed commissioners to view, mark and lay out a state road from Andersontown in Madison county, to Logansport in Cass county. Route.

SEC. 2. The commissioners aforesaid shall meet at Andersontown in Madison county, on the first Monday in September next, or some subsequent day, after taking an oath faithfully and impartially to discharge the duties required of them by this act, shall proceed to view, mark and locate said road; and shall make all necessary surveys, taking with them a sufficient number of chain carriers and markers for that purpose, and shall within twenty days after the location thereof, cause a report of the same to be filed in the clerks' offices of the counties of Madison and Cass; and it shall be the duty of said clerks to cause the same to be recorded in the record books of the board doing county business, within ten days thereafter. Com'rs when
and where to
meet.

SEC. 3. Should a vacancy happen by death, resignation or otherwise, the board doing county business in the counties aforesaid, shall have power to fill the same. Vacancy.

SEC. 4. The commissioners aforesaid, shall receive for each day they may be employed in laying out said road, the sum of one dollar and fifty cents per day, to be paid out of the first money due the counties aforesaid, or as appropriations of the three per cent. fund to the counties aforesaid, under the direction of the county commissioners of the counties aforesaid, together with all other reasonable expenses necessarily accruing from the location and survey of said road. Compensation.

SEC. 5. *And be it further enacted*, That the said commissioners are hereby directed to continue the location of said road from Andersontown in Madison county on the Continuation.

most direct and practicable route, to the town of Huntsville in the county aforesaid, and from there the nearest and best way to a point where the Knightstown and Pendleton state road intersects the Newcastle and Crawfordsville state road; and the board of commissioners doing county business for the county of Madison, shall have full power whenever they deem it expedient, to order that part of the location provided for in this section, to be opened under the direction of the said commissioners.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXX.

An Act to locate a State Road from Salem, via Middletown, to Orleans in Orange county.

[APPROVED, JANUARY 29, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Jacob M. Lemon of the county of Washington be, and he is hereby appointed a commissioner to view, mark, and locate a state road in and upon the present county road, making such alterations as he may deem necessary, from Salem in Washington county, by the way of Middletown in said county, to Orleans in the county of Orange.

Duty of commissioner, when to commence.

SEC. 2. The said commissioner, after taking an oath faithfully and impartially to discharge the duties enjoined on him by this act, shall, on the first Monday of June next, or as soon thereafter as may be convenient, proceed to view and mark said road as aforesaid, and shall within thirty days after the location of the same file a report of his proceedings in the clerks' offices in the several counties through which the same may pass; which report shall be recorded by the clerks of said counties in the record books of the boards doing county business in said counties within twenty days after the filing of the same.

Road to be opened.

SEC. 3. It shall be the duty of the boards doing county business in the counties through which the same may pass, at their first or some subsequent meeting after the location of said road to cause the same to be opened any width not exceeding forty feet, and made agreeably to and under the provisions of the several acts for opening and repairing public roads and highways.

Compensation.

SEC. 4. The commissioner aforesaid shall be allowed the sum of one dollar and fifty cents per day for every day he is necessarily employed in locating the same, to be paid out of the respective county treasuries [of the counties] through

which said road may run, in proportion to the length of said road in the several counties through which it passes.

SEC. 5. Should any vacancy happen by death, resignation, or refusal to qualify, by said commissioner so appointed by this act, it shall be the duty of the board doing county business in the county of Washington to appoint some suitable person to fill such vacancy.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXXI.

An Act to re-locate a part of the Martinsville, Danville, and Frankfort State Road, and for other purposes.

[APPROVED, FEBRUARY 2, 1833.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Thomas J. Matlock of Hendricks county be, and he is hereby appointed a commissioner to view, mark, and re-locate so much of the state road leading from Martinsville, via Bellville and Danville, to Frankfort in Clinton county, as lies between Bellville and Danville. Part to be re-located.

SEC. 2. That the said commissioner shall, on the first Monday in April next, or on some subsequent day, after being sworn faithfully to discharge the duties required of him by this act, proceed to view, mark, and re-locate so much of said road as lies between Bellville and Danville, commencing at Bellville and running from thence on the nearest and best ground to intersect the county road leading from Danville to the national road, at or near the corner of [section] thirty-three in township fifteen, of range one west, thence on said county road as near as practicable to the town of Danville. Duty of commissioner, when to commence.

SEC. 3. That the sum of two hundred dollars out of the three per cent. fund belonging to Hendricks county, which, after paying the expense heretofore incurred in locating, and which may accrue in re-locating the said road, shall be expended in opening the said road. Appropriation.

SEC. 4. That the said Thomas J. Matlock, after complying with the law regulating the duty of road commissioners, shall draw from the agent of the three per cent. fund the sum of two hundred dollars as aforesaid.

SEC. 5. The said commissioner shall, within thirty days after such re-location, file in the clerk's office of Hendricks county a correct plat or description of said road. Plat.

SEC. 6. That Andrew Cavett of Posey county be, and A. Cavett to be is hereby authorized, upon filing his bond and taking the draw the 3 per

cent. fund for oath as is required by the several acts providing for the ap-
 Posey county, pointment of commissioners to draw and apply the several
 &c. sums of the three per cent. fund appropriated to each county in this state, to draw the sums heretofore appropriated to said county and remaining in the hands of the agent, as also the sum of five hundred dollars appropriated at the present session; and so soon as the several persons appointed to apply the several sums specifically set apart for said county shall present to him the certificate of the clerk of the circuit court, that they have filed their bonds and taken an oath according to law as such commissioners, he shall pay over the several sums to the several persons authorized to draw and apply the same, taking their receipts therefor, which shall be sufficient vouchers for him to settle with the agent of the three per cent. fund.

Duty of Clement Whiting a road com'r.
 SEC. 7. *Be it further enacted*, That Clement Whiting, commissioner on the state road leading from Cynthiana in Posey county, via New-Harmony, to the lower bridge on Big Creek, be, and he is hereby authorized to cause the same to be opened any width not exceeding forty feet.

Road from Princeton to Vincennes declared a state road.
 SEC. 8. That the public road in Gibson county leading from Princeton to Vincennes, by way of Columbia, be, and the same is hereby declared and established a state road; and the board of commissioners of Gibson county are hereby authorized to cause the said road to be opened any width not exceeding forty feet, and to be kept in repair in such manner as now is and hereafter may be provided by law for opening and repairing state and public roads.

J. Woodford, com'r to draw part of the 3 per cent. fund for Crawford county.
 SEC. 9. That Julius Woodford of the county of Crawford is hereby appointed a commissioner to receive two hundred dollars, being the balance of five hundred dollars of the three per cent. fund appropriated to the said county of Crawford; and the said Julius Woodford is hereby authorized to pay the same over when so received to such commissioner or commissioners, or apply the amount to such state roads and bridges within said county as the board doing county business in said county shall order and direct.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

CHAPTER CLXXXIII.

An Act to locate a State Road from Centreville in Wayne county to a certain point in Henry county.

[APPROVED, FEBRUARY 2, 1833.]

Route.

SEC. 1. *Be it enacted by the General Assembly of the State*

of Indiana, That Richard Jobs of the county of Wayne be, and he is hereby authorized to view, mark, and locate a state road, commencing at the town of Centreville in Wayne county, running from thence to Washington in said county, from thence to the south east corner of the north east quarter of section twenty-one in township seventeen, and in range thirteen, from thence to James Lindley's on the west fork of White Water, from thence to Seth Miles' mill, from thence to the ford of Stony Creek where the state road leading from the town of Economy to Munceytown in Delaware county crosses said creek.

SEC. 2. The commissioner aforesaid shall proceed, on the first day of March next, or on some subsequent day, after first taking an oath faithfully and impartially to discharge the duty required of him by this act, to view, mark, and locate said road, and shall make all necessary surveys, taking with him a sufficient number of chain carriers and markers for that purpose, and shall within five days after the location thereof cause a report of the same to be filed in each of the clerks' offices of the counties of Wayne and Henry; and it shall be the duty of the counties aforesaid to cause the same to be recorded in the record books of the boards doing county business within ten days after.

SEC. 3. It shall be the duty of the boards doing county business in the counties aforesaid, at their next meeting after the filing of said report, to cause the said road to be opened any width not exceeding forty feet, in the same way and manner as is now or may hereafter be provided for opening and repairing roads and public highways.

SEC. 4. Should a vacancy happen by death, resignation, or otherwise, it shall be the duty of the board doing county business in and for the county of Wayne to appoint some suitable person to fill such vacancy, who shall take the same oath before entering on the duties herein required as is required of the commissioner hereby appointed.

SEC. 5. It is hereby made the duty of the several boards doing county business in the counties aforesaid to make to the commissioner, chain carriers, and markers such allowance as shall to them seem reasonable, which shall be paid by the counties aforesaid in proportion to the length of said road in each county, out of any money not otherwise appropriated.

SEC. 6. It is hereby made the duty of said commissioner to have respect to private property in locating said road, where it will not materially increase the distance thereof.

This act to take effect and be in force from and after its publication in the Indiana Journal and Democrat.

Duty of commissioner, when to commence.

Road to be opened.

Vacancy.

Compensation.

JOINT RESOLUTIONS, &c.

CHAPTER CLXXXIII.

A Joint Resolution of the General Assembly authorizing the Secretary of State to purchase a complete set of Niles' Register for the use of the State Library.

[APPROVED, FEBRUARY 2, 1833.]

Resolved, by the General Assembly of the State of Indiana,
That the secretary of state is hereby authorized to purchase a full set of Niles' Register for the state library.

CHAPTER CLXXXIV.

A Joint Resolution to procure appropriations to construct a safe Harbour and erect a Light House at the mouth of Des Chemins on Lake Michigan.

[APPROVED, DECEMBER 28, 1832.]

Whereas, it is represented to this general assembly that the construction of a safe harbour and the erection of a light house at the mouth of Des Chemins on Lake Michigan are objects of great general utility to the union, important to the commercial adventurer as well as the local agriculturist, and of peculiar interest to our growing population in that quarter; and whereas, the means at our disposal are utterly inadequate to accomplish the construction and erection of the said works—Therefore,
Resolved, by the General Assembly of the State of Indiana,
That our senators in congress be instructed and our representatives requested to use their best endeavors to procure of the United States, for the public benefit, adequate appropriations to improve and render available the harbour at the mouth of Des Chemins on Lake Michigan, and to erect a light house in the vicinity of said harbour.

Resolved, That the governor be requested to transmit a copy of the foregoing preamble and resolution to each of our senators and representatives now at Washington City.

JOINT RESOLUTIONS.

CHAPTER CLXXXV.

A Joint Resolution requesting the Governor of Indiana to communicate with the Governor of Ohio relative to the extension of the Wabash and Erie Canal.

[APPROVED, DECEMBER 26, 1832.]

Whereas, a speedy completion of the Wabash and Erie canal, in accordance with the original design, is a matter of general concern, involving the interests of this and sister states; and the course heretofore pursued by our sister Ohio in relation to its extension through her boundaries seems to afford no certainty of her action, and tends to create doubt in the minds of some of our citizens of the proper course of action this state should adopt to perfect the important work—Therefore, that all contingencies may speedily be changed into some certainty,

Resolved, by the General Assembly of the State of Indiana,
That the governor be, and he is hereby requested to communicate by mail, without any unnecessary delay, with the governor of the state of Ohio, touching the contemplated extension of the Wabash and Erie canal through that state, so as to procure from him a special message in relation thereto, to the general assembly of that state now in session at Columbus, and ask for immediate attention to the subject, in order to afford to this state some certainty of her views, upon which we may safely predicate our ultimate course of proceeding.

CHAPTER CLXXXVI.

A Joint Resolution of the General Assembly relative to the Public Lands.

(APPROVED, JANUARY 15, 1833.)

Whereas, the liberal policy of the general government granting pre-emption rights to settlers upon the public lands has met with the approbation of the people of Indiana, and awakened the warmest feelings of gratitude in the mind of the actual settler, without in any way, as it is believed, occasioning loss to the national treasury; and believing that a continuance of the same policy is alike called for both by justice and liberality towards many of our industrious but unfortunate citizens—Therefore,

Resolved, by the General Assembly of the State of Indiana,
That our senators and representatives in congress be requested to use their exertions to revive and continue in force for two years longer the provisions of an act of con-

JOINT RESOLUTIONS.

gress entitled "an act to grant pre-emption rights to settlers upon public lands," approved July, 1832.

Resolved, That the governor be requested to cause a copy of the preceding resolution to be forwarded to each of our senators and representatives in congress.

CHAPTER CLXXXVII.

A Joint Resolution authorizing the suspension of a suit *vs.* Julius Johnson and others.

[APPROVED, FEBRUARY 2, 1833]

Resolved, by the General Assembly of the State of Indiana, That the auditor of state be authorized to suspend suit on the bond of Julius Johnson, former collector of Martin county for the term of three years, the securities of said Johnson giving satisfactory security to the said auditor for the payment of said bond without interest in three equal annual instalments, the first payment to fall due one year from this date; but nothing herein contained shall be so construed as to release the above named principal or any of his securities from any portion of the amount due the state on said bond.

CHAPTER CLXXXVIII.

A Joint Resolution relative to the Public Ferry at Indianapolis.

[APPROVED, JANUARY 5, 1833.]

Resolved, by the General Assembly of the State of Indiana, now in session at Indianapolis, That Michael Vanblaricum be permitted to retain his present situation as ferryman at the state ferry over White River near Indianapolis, at the same rate that he now pays the state, viz: one hundred and seventy dollars per annum, until the bridge over said river is completed, he, the said Vanblaricum, giving bond with such security as may be required by the agent of the state for the faithful discharge of his duty as ferryman and the payment of the money: *Provided*, said term does not exceed two years.

CHAPTER CLXXXIX.

A Joint Resolution of the General Assembly for the benefit of State Debtors.

[APPROVED, FEBRUARY 2, 1833.]

Resolved, by the General Assembly of the State of Indiana, That the agent of state for the town of Indianapolis be directed to suspend the collection of any monies that may become due the present year, on the sale of any lots or lands

JOINT RESOLUTIONS.

belonging to the state, on condition that the debtors to the state consent to pay the highest rate of legal interest on the same after such payment shall become due until paid: *Provided*, that on ten days' notice being given by the commissioners appointed to superintend the erection of a state house, said agent shall proceed forthwith to collect the amounts due from said debtors, deducting therefrom the interest paid in advance, charging only for such time as the same may have remained in such debtors' hands.

CHAPTER CXC.

A Joint Resolution authorizing a subscription for the second volume of Blackford's Reports.

[APPROVED, JANUARY 22, 1833.]

Resolved, by the General Assembly of the State of Indiana, That the secretary of state be, and he is hereby authorized to subscribe for and receive, when ready for delivery, one hundred and seventy-five copies of the second volume of Blackford's Reports of cases decided in the supreme court of this state, and when so received, he shall deposite one copy in the library of the supreme court, and forward at the expense of the reporter, one copy to each of the clerks of the several circuit courts, which shall be preserved and kept by them in their respective offices, for the use and inspection of the courts and citizens of their counties; and one copy of the work so subscribed for shall be deposited in each county library within the state at the expense of the reporter, to be loaned by such library, free of cost; and that his excellency the governor forward one copy to the governor of each state, for the use of such state; and the residue of said copies the secretary shall deposite in his office, to be there kept, subject to the future disposition of the legislature.

Resolved, That the treasurer of state advance to the reporter the subscription money for said copies, on his giving bond with approved security to be approved of by the treasurer, to refund the same should the work not be completed during the present year.

Resolved further, That the amount of the subscription price of the copies of such reports be, and the same is hereby appropriated to pay for the same, and the auditor shall audit and the treasurer pay such amount to the reporter: *Provided*, that the subscription for the said work is only authorized to be made on the condition that the same be finished during the present year.

CHAPTER CXCI.

A Memorial and Joint Resolution of the General Assembly of the State of Indiana, soliciting Congress to appropriate land or money sufficient to improve the navigation of the Wabash and White Rivers.

[APPROVED JANUARY 18, 1833.]

To the Senate and House of Representatives of the United States in Congress assembled: The general assembly of the state of Indiana, with a conviction of the great benefits to accrue to the agricultural and mercantile interests of the union, by the power conferred by the United States' constitution in relation to reserved national highways, and a general solicitude to have various obstructions which now impede a safe steam boat navigation of the Wabash and White rivers speedily removed, most respectfully pray for appropriations of land or money sufficient to defray the cost and accomplish the works contemplated.

The improvement of the Wabash river and the completion of the Wabash and Erie canal, now commenced, will, it is evident, throw open to the people of the United States a direct chain of internal navigation, connecting the commerce of the north with the south, the east with the west, and presents a claim for means, deeply interesting to the growing population of adjoining states and territories.

The White rivers partake of the national character of the Wabash, being under the control of the general government, and are also of vital importance.

Your memorialists, in reiterating a prayer for means to improve said rivers, disclaim any wish to benefit themselves in a greater degree than their neighbors and the American people at large by congressional appropriations. These rivers are reserved national streams, and the immense population whose surplus products and necessary supplies, they must float to and from the sea board, the general advantages to result from their immediate improvement should entitle them to peculiar regard.

The Wabash river, for the distance of about two hundred and fifty miles from its junction with the Ohio is the dividing line between the states of Indiana and Illinois, and in that portion of the river which is under their concurrent jurisdiction the most injurious obstructions exist. All the obstructions in this important stream to the mouth of Tippecanoe, together with all obstructions in White River and its branches, as far as steam boats can now ascend during high water may, it is believed, be removed by the judicious application of a small amount compared to the great utility of the expenditure.

Your memorialists, whilst dilating on the acknowledged advantages of improving the navigation of the Wabash and

White rivers, beg leave further to represent the importance of improving the navigation of the St. Joseph of Lake Michigan, a beautiful river which runs through a part of the territory of Michigan and Indiana.

A patient investigation of the subject matter is now solicited, and such appropriations to effect the improvements so earnestly desired as wisdom may deem to be expedient and proper—Therefore,

Resolved, That our senators in congress be instructed and our representatives requested to use all honorable exertions to procure appropriations in land or money, sufficient to effect the national objects of general utility particularly designated and embraced in the foregoing memorial.

Resolved, That the governor be, and he is hereby requested to transmit a copy of the foregoing memorial to each of our senators and representatives in congress.

CHAPTER CXCH.

A Joint Resolution to provide for binding and distributing the acts of Congress, deposited in the office of the secretary of state.

[APPROVED, FEBRUARY 2, 1833.]

Resolved, by the General Assembly of the State of Indiana, That the secretary of state is hereby required to contract for the binding, in common board binding, all the laws of the United States, in pamphlet form, that are in his office; five numbers in a volume, as near as may be consistent with the numbers: and that together with the bound laws of the United States now in said office, they shall be disposed of as follows, to wit: Five of each year (if there be so many) are to be retained in the office of the secretary of state; after which, one for each year to each circuit court clerk's office, and each county library, until the number is exhausted, beginning with the oldest county in the state, and continuing in succession according to the age of the counties; first supplying the clerks' offices, so far as the number for each year will extend; and if there are more numbers for any one year, than will supply all the clerks' offices, then the county libraries are to be supplied in the same manner, beginning with the oldest county.

CHAPTER CXCH.

A Joint Resolution relative to the Public Printing.

[APPROVED, JANUARY, 22, 1833.]

Be it resolved by the General Assembly of the State of Indiana, that Douglass and Maguire be authorized to pro-

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ceed immediately with the printing of the acts, joint resolutions and memorials of the present session of the general assembly; and that they be directed to print four thousand copies; that the alphabetical order heretofore observed, be dispensed with in printing, and that the secretary of state cause the same to be bound in good half binding.

CHAPTER CXCV.

A Joint Resolution relative to the Indiana College.

[APPROVED, FEBRUARY 2, 1833.]

Be it resolved by the General Assembly of the State of Indiana, That Allen Wiley of the county of Switzerland, and Calvin Ruter of the county of Marion, be, and they are hereby appointed two of the board of visitors of the Indiana college, to fill the vacancies occasioned by the refusal of Robert R. Roberts and James Armstrong, to serve as such.

CHAPTER CXCV.

A Memorial on the subject of the National Road.

[APPROVED, JANUARY 1, 1833.]

Your memorialists, the general assembly of the state of Indiana, respectfully represent to the congress of the United States, that they deem an additional appropriation of one hundred and fifty thousand dollars for the construction of the national road through Indiana, the present session of Congress, of vital importance to said state, and therefore request the early attention of congress to this subject.

CHAPTER CXCVI.

A Preamble and Joint Resolutions, relative to the proceedings of a late Convention of South Carolina, and to the President's Proclamation in relation thereto.

[APPROVED, JANUARY 9, 1833.]

WHEREAS, an unusual and alarming excitement prevails in the state of South Carolina, on the subject of the tariff laws, awakened, as is believed, by a mistaken view of their constitutionality, and by exaggerated representations of their unequal operation; and whereas, heretical and dangerous doctrines have sprung up under the name of nullification, in which the constitutional right in a state to render nugatory and resist the laws of the United States, and to secede from the Union, is boldly assumed; and whereas, a convention, delegated from a portion of

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the citizens of that state, has recently passed an ordinance, a copy of which, and of a report of a committee of said convention thereon, and of addresses to the people of the several states and of South Carolina, transmitted by order of the said convention, through the governor of that state to the governor of Indiana, avowedly for the information of this legislature, are now before the same; and whereas, we the representatives of the people of Indiana, view the doctrines contained in these documents, as carrying with them internal evidence of their impracticability, absurdity, and treasonable tendency; and whereas, we regard the said ordinance, as prescribing to, and attempting to enforce upon the people of South Carolina, "a course of conduct, in violation of their duty as citizens of the United States, contrary to the laws of their country, subversive of its constitution, and as having for its object the destruction of the union," and as a necessary consequence, the prostration of our liberties: therefore *Resolved, by the General Assembly of the State of Indiana, That we deeply deplore the political heresies, and threatened disorganization, recently promulgated by a portion of our brethren of South Carolina.*

Resolved, That we cordially concur in the persuasive appeals of our venerable chief magistrate, to the people of South Carolina, to pause ere it be too late to save themselves from ruin.

Resolved, That the sentiment, "our union must be preserved," meets with a hearty response from the people of Indiana, bound as they are, by interest and honor, to that confederacy into which they voluntarily entered, and from which they will never willingly be severed.

Resolved, That we regard the present juncture of our national affairs, as involving the preservation of our liberties, and as scarcely inferior in importance to that in which they were achieved.

Resolved, That as regards this important question, all minor differences should be forgotten; that devotion to party should be lost in devotion to country, and that the great contest among Americans, should be, as to the means best calculated to prevent the temple of our union from crumbling into ruins.

Resolved, That the constitutional doctrines advanced, and views of policy embraced in the president's proclamation on the present difficulties in South Carolina—the patriotic spirit pervading that able document, and the prompt and decisive manner in which he has rebuked the pernicious doctrines, and unjustifiable course recently adopted by a portion of the citizens of that state, command our entire approbation, and have crowned with new laurels, the "defender of his country."

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Resolved, That at the present alarming and eventful crisis, we conceive it to be a solemn and a paramount duty of the people of the different states, to express through their representatives, a firm and unwavering determination to protect "the ark of our political safety" from the hand of violence, and to pledge their support in furtherance of the laudable resolution of the national executive, "to take care that the republic receive no detriment."

Resolved, That the governor of this state be requested to transmit a copy of the foregoing preamble and joint resolutions, to the president of the United States, and also, a copy to each of our senators and representatives in congress, to be laid before that body, and one to the governor of each state in the union.

CHAPTER CXCVII.

A Joint Resolution concerning the State Library.

[APPROVED. FEBRUARY 2, 1833.]

Resolved, by the General Assembly of the State of Indiana, That the secretary of state be instructed not to make any expenditures of the library fund, in the purchase of novels or romances.

CHAPTER CXCVIII.

A Memorial of the General Assembly of the State of Indiana, to the Congress of the United States, on the subject of unproductive sixteenth sections.

[APPROVED, FEBRUARY 2, 1833.]

To the Senate and House of Representatives of the United States in Congress assembled: Your memorialists, the general assembly of the state of Indiana, beg leave respectfully to represent, that the citizens of our state feel a deep and increasing interest in the promotion and establishment of primary schools, and are anxious to avail themselves of every facility they can obtain for so desirable an object. The benevolent and wise policy originally adopted, of reserving the sixteenth section, in each congressional township, for that purpose, is duly appreciated; and under a system adopted by our state laws, its advantages have already been felt, and will continue to be enjoyed and increased in many parts of the state. But in other parts of the state, the citizens are wholly deprived of the intended benefit, in consequence of the little value of such sixteenth sections, in their town-

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ships, which cannot be sold at the price of one dollar and twenty-five cents per acre, and are not therefore sold, and perhaps cannot be sold at all, at this time. It is on behalf of the citizens of these congressional townships, that the general assembly ask the favorable consideration of congress, and respectfully ask, that congress will provide by law, for a grant to them of a section of good land in lieu of such unproductive, and at present, useless sixteenth sections, or land scrip to the amount of such sixteenth section, or fractional part thereof, at the rate of one dollar and twenty-five cents per acre, at the option of the inhabitants of such township; and a similar grant or privilege to the inhabitants of any township or fractional part thereof, which is now destitute of any sixteenth section or fractional part thereof, reserved for the purpose of common schools, to be located or entered in any of the unsold public lands of this state, in such manner as the legislature thereof may direct.

It may be suggested that the interests of the general government will probably be promoted, by indulging your memorialists in this request, as many of the emigrants to the state are poor, and desirous, though unable, to enjoy the benefit of schools, and therefore avoid locating themselves, or purchasing lands in such townships, where they would be deprived of the benefits intended to be dispensed equally among all the new settlers of the state, and much of the adjoining land therefore remains unsold in the hands of the government. But such as are settled in such townships, feel themselves deprived of a great privilege, and humbly pray that congress will grant them the relief asked for in this memorial.

Resolved, That our senators in congress be instructed and our representatives requested, to endeavour to obtain the object of this memorial.

CHAPTER CXCIX.

A Joint Resolution of the General Assembly of the State of Indiana, to urge the speedy survey and sale of lands recently obtained by treaty concluded with the Pottawattamie Indians, and the establishment of a new Land District and Office, to dispose of said lands, north of the Wabash River.

[APPROVED, JANUARY 15, 1833.]

The general Assembly of the state of Indiana, influenced by public opinion, and the anxious desire of many of their constituents, most respectfully anticipate the approval of a treaty recently concluded with the Pottawattomie Indians, to represent most earnestly, that great general interests would be materially promoted by the immediate survey

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and sale of public lands within this state, procured by said treaty; that many consequent advantages would accrue from the permanent settlement of purchasers in expectancy, who are now eagerly pressing to the northern section of our frontier; and that it seems to be evidently proper and necessary to facilitate sales and to accommodate each quarter of the country in the same degree, to urge the establishment of a new land district with a land office, located at some suitable central point, north of the Wabash river—therefore,

Resolved, by the General Assembly of the State of Indiana, That our senators in congress be instructed, and our representatives requested, to use their influence, with proper endeavours to effect a speedy survey and sale of all the public lands within this state, to which the Indian claim has been extinguished; and that they reiterate the desire heretofore expressed with becoming solicitude, to procure a new land district, to be designated north of the Wabash river; and the establishment of a land office at some central point thereof, as soon as may be practicable.

Resolved, That the governor be requested to transmit a copy of the foregoing preamble and resolution, to each of our senators and representatives in congress.

CHAPTER CC.

A Memorial and Joint Resolution of the General Assembly, relative to fractional congressional townships.

[APPROVED, JANUARY 30, 1833.]

To the Senate and House of Representatives of the United States in Congress assembled. The general assembly of the state of Indiana, would respectfully represent, that the provisions made by congress, which authorize the inhabitants of fractional congressional townships, where no land had been reserved for the use of schools, to select contiguous lands in the land district where such fractional townships may be situate, does not afford relief to the inhabitants of the fractional townships in this state, situated in the Vincennes, Jeffersonville and Cincinnati land districts, by reason of the good lands in said districts having all been taken up, previous to the passage of the law referred to.

Your memorialists in full confidence that the general government designed by their act, to benefit the citizens of fractional townships so situated, would respectfully suggest that in order to carry such intentions into effect, and afford

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the relief contemplated, an additional act of congress would be necessary, authorizing the said inhabitants of fractional townships, by an authorized agent, to select any lands within the state of Indiana, which may have been offered for sale and not sold.

Resolved, That the governor transmit a copy of the foregoing memorial to each of our senators and representatives in congress.

CHAPTER CCI.

A Preamble and Joint Resolution, in relation to Horses lost by rangers and volunteer militia of Indiana.

[APPROVED, FEBRUARY 2, 1833.]

WHEREAS, many of our citizens, in the service of the United States, as mounted rangers, militia and volunteers during the last war, lost and disabled their horses, when in such service, and have not yet received remuneration for the same; and whereas, it appears by the letter of colonel A. W. Russell, addressed to the chairman of the committee of military affairs, that a number of horses were lost by the mounted volunteer militia of the counties of Marion, Hendricks and Johnson, which were ordered into service by the executive of Indiana, in the month of June last, and placed under the command of said Russell, on the frontiers of Indiana; therefore,

Resolved, by the General Assembly of the State of Indiana, That our senators in congress be, and they are hereby instructed, and our representatives requested, to use their exertions and influence to procure the enactment of a law, which will authorize payment to be made by the United States for all horses lost, to their owners in public service, or in consequence thereof as aforesaid, on the presentation of the proper proofs and vouchers of such loss.

Resolved, That his excellency, the governor, be requested to forward copies of this preamble and resolution, to each of our senators and representatives in congress.

CHAPTER CCII.

A Joint Memorial on the subject of a Treaty with the Miami nation.

[APPROVED, JANUARY 18, 1833.]

To the Senate and House of Representatives of the United States in Congress assembled. Your memorialists, the gene-

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ral assembly of the state of Indiana, respectfully represent, that the extinguishment of the title of the Miami nation of Indians to their lands within this state, is highly desirable, and would conduce to the peace and prosperity of our people.

It is held unnecessary by your memorialists to urge upon your consideration, the absolute necessity of the extinguishment of said titles. The unhappy excitement on this subject in other states, the wretchedly unpleasant situation of this remnant of a tribe, the earnest wish of this state to extend her jurisdiction over her natural boundary, will, it is hoped, induce such an appropriation, as your wisdom may deem expedient and equal to the attainment of so desirable an object.

Your memorialists would further observe, that the Wabash and Erie canal, as located by the United States engineers, and now partly under contract, passes through the lands belonging to said nation. This information of itself, will, it is confidently believed, induce a concurrence in the request of your memorialists. It is not in the power of this body to set forth the grounds of failure in the late attempted treaty with the Miami nation, but would assure your honorable body, that from a recent expression of the chiefs of said nation, it is not to be doubted that a treaty could now be made without difficulty, and on advantageous terms.

Resolved, That each of our senators and representatives in congress, be furnished by the governor of this state, with a copy of the foregoing memorial.

CHAPTER CCIII.

A Memorial and Joint Resolution of the General Assembly of the State of Indiana; soliciting aid to improve the great western thoroughfare leading through this State from Louisville, Kentucky, to St. Louis, Missouri, via Mount Pleasant, Washington, and Vincennes.

[APPROVED, DECEMBER 26, 1832.]

Influenced by proper considerations in relation to the general welfare, the social and commercial facilities required by our constituents, in connection with our brethren of states contiguous, and the wants, wishes and prosperity of a growing population, the general assembly of the state of Indiana solicits of the United States an ample appropriation of public lands or money to improve the great western thoroughfare and mail route through this state, leading from Louisville, Kentucky, to St. Louis, Missouri. From time immemorial, this well known highway has afforded the chief avenue of inland communication west of the Ohio

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river. It still continues to accommodate the emigrants travelling to an immense region of country, and seems destined to remain a most important mail road during all time.

The necessary and proper improvement of this highway is now beyond the equitable division of our state means; and the essential public accommodation it affords to the intercourse, trade and agricultural interests of this and other states of the union, clearly brings an appropriation to improve it within the prescribed constitutional power delegated to congress—Therefore,

Resolved, by the General Assembly of the State of Indiana, That our senators in congress be, and they are hereby instructed and our representatives earnestly requested to use every becoming exertion to obtain of the senate and house of representatives of the United States in congress assembled, an ample appropriation to improve the aforesaid public thoroughfare and mail route as speedily as possible.

Resolved, That the governor be requested to transmit a copy of the foregoing memorial and joint resolution to each of our senators and representatives in congress as speedily as possible.

CHAPTER CCV.

A Memorial asking relief to William Warren.

[APPROVED, DECEMBER 28, 1832.]

Whereas, it has been made manifest to this general assembly that William Warren, a citizen of Marion county, state of Indiana, was, on the seventh day of June last, acting in the character of first aid to the gunner of a company of artillery, then on parade with a view to stimulate the militia to volunteer their services in defence of the frontiers of said state against the attacks of the hostile Indians of the north west, and that said militia were then invited to volunteer under the command of Alexander W. Russell, the officer designated by the executive of Indiana to command said volunteers, and while the said Warren was in the discharge of his duty as gunner an accidental discharge of the cannon carried away both of his hands, leaving him an invalid for life, entirely dependent on the liberality of his country—Therefore,

Resolved, by the General Assembly of the State of Indiana, That our senators in congress be, and they are hereby instructed and our representatives respectively requested to use their exertions and influence to have the said Warren enrolled among the invalid pensioners of the United States, fixing the date of his enrollment so as to correspond with the date of his misfortune.

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Resolved, That his excellency the governor be, and he is hereby requested to forward a copy of this preamble and resolutions to each of our senators and representatives in congress with such statements as his own knowledge of the facts set forth will authorize him to make:

CHAPTER CCV.

A Joint Resolution of the General Assembly relative to procuring tract books and maps of the purchase of 1828.

[APPROVED, FEBRUARY 2, 1833.]

Resolved, by the General Assembly of the State of Indiana, That the auditor of public accounts be authorized and required to procure tract books and maps of the purchase of 1828, at the best possible price to the state, from and including the first sales, up to the first of January, 1833; which tract books shall show the description of the sub-divisions of the sections and fractional sections; the maps to show the water courses, prairies, and sub-divisions of sections.

Resolved further, That upon the receipt of such tract books and maps, the auditor is hereby authorized to audit and the treasurer to pay the amount necessary to procure the same, and the like sum to him for copying and transmitting the same to the clerks of the respective counties, upon his certificate of having performed the same; which certificate shall be filed in his office as a voucher; payable out of any money in the treasury not otherwise appropriated.

Resolved further, That it shall be the duty of the auditor of public accounts to annually ascertain from the general tract books the number of acres of land liable for taxes in each county, an account of which shall be certified to the several clerks of the circuit courts and to the legislature; and in case the returns annually made by the several clerks to the auditor shall fall short of the quantity subject to taxation, the auditor shall notify the clerk of the proper county of that fact, for which service the auditor shall be allowed such sum as the governor, upon the inspection of the work, shall deem just and reasonable.

CHAPTER CCVI.

A Memorial to the Congress of the United States on the subject of relinquished lands.

[APPROVED FEBRUARY 2, 1833.]

To the Senate and House of Representatives of the United States, in Congress assembled: The general assembly of the state of Indiana respectfully invite the attention of your honorable body to one or two circumstances in the legislation of congress, with regard to the purchasers of the public

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lands, which have produced inequality, and consequent injustice in reference to many of said purchasers.

From an early period in the settlement of Indiana up to the year 1821, the public lands in the western country were sold for one fourth of the purchase money in hand and the residue in yearly payments, with the liability to forfeit the payments made, upon a failure to complete the same. Several acts of congress were subsequently passed, characterized by great liberality, leaving no doubt in the minds of your memorialists of the intention of congress to include within their liberal provisions every class of purchasers.

From what is supposed to have been inadvertence or oversight, one class of purchasers have not received that relief which by the general equity of congressional legislation is impliedly extended to them.

In the payment of lands by the application of relinquishments of other lands, under one of the acts alluded to, the person applying such relinquished lands, was allowed a credit of *fifty dollars* only for *eighty* which he had paid, perhaps several years previously, to the government. Whilst under another act, those who actually suffered forfeitures were allowed in payment of other lands the full amount of their forfeited payments, making a difference between the two classes of thirty-seven and a half per centum.

Your memorialists indulge the fullest confidence that inviting the attention of your honorable body to the inequality above noticed will insure an application of the appropriate remedy, and that congress will pass a law authorizing every individual who has lost thirty dollars out of every eighty paid to the government in the manner above mentioned, to receive the benefit of the same in scrip, to be issued for such person. And as in duty bound, your memorialists will ever pray.

CHAPTER CCVII.

A Joint Resolution on the subject of a Rail Road from the Mississippi River to the City of Washington.

[APPROVED, JANUARY 1, 1833.]

Whereas, his excellency the governor in pursuance of a request of the legislature of the state of Louisiana, has communicated to the general assembly a letter of T. Fanning, accompanied by several joint resolutions of the legislature of said state on the subject of the location and construction of a rail road from the Mississippi river, (as near to New-Orleans as practicable,) to pass through the states of Louisiana, Mississippi, Tennessee, Virginia, and probably a portion of Alabama and North-Carolina, to the city of Washington; and whereas, it is believed that a work of such extent and magnificence passing through so

many states, connecting and blending so many interests, assimilating the habits, feelings, and manners of the people of so large and fair a portion of our confederacy, thereby binding yet firmer the bond of our federal union, and withal a work of such national utility in peace or in war is well worthy of the favor of the general government; and whereas, Indiana, though far remote from the contemplated location of this great work, feels a deep and lively interest in the prosecution of every enterprize calculated to increase the permanency and add to the glory of our union—Therefore,

Be it resolved, by the General Assembly of the State of Indiana, That they warmly reciprocate the wishes of our sister state, Louisiana, on the subject of the above contemplated rail road, and respectfully join in the request made to the executive of the United States that he will direct the necessary surveys and estimates to be made for the accomplishment of the end desired.

Resolved, That the governor be requested to forward a copy of the foregoing preamble and resolution to the president of the United States, and also a copy to the governor of the state of Louisiana.

ERRATUM.

Chap. 103, sixth line from bottom for "sixteenth" read "sixtieth."

SECRETARY'S OFFICE.

INDIANA, sci:

I, WILLIAM SHEETS, Secretary of State of the State of Indiana, certify that I have compared the foregoing acts, joint resolutions, and memorials with the enrolled ones on file in my office, and have found the same to be correctly printed, with the exception of the words included in brackets, [thus] which have been inserted to aid the sense and to supply evident omissions.

In testimony whereof, I have hereunto subscribed my name, at Indianapolis this 19th day of March, in the year of our Lord one thousand eight hundred and thirty-three, the seventeenth year of the State, and of the independence of the United States the fifty-seventh.

WM. SHEETS, *Sec'y of State.*

AUDITOR'S OFFICE, Dec. 7TH, 1832.

In obedience to the act entitled "an act concerning the auditor of public accounts and treasurer of state," the auditor submits the following report of receipts and expenditures, on account of the state of Indiana, from the 4th of December, 1831, to the 3d of December, 1832, both inclusive.

There was remaining in the treasury on the 3d of December, 1831, provided all claims audited to that date were paid,

\$44,033 32

Since that period, there has been paid into the treasury, on account of revenue unpaid for the year

1823	\$247 04
" " 1824	33 56
" " 1828	150 00
" " 1830	78 00
For collection of revenue for 1831	33,370 89
" " 1832	6,884 36

40,763 85

From sales of Michigan road lands,	35,527 96
From fund commissioners of Wabash and Erie canal,	5,181 82
From agent of state for town of Indianapolis,	8,136 52
From seminary lands,	2,221 08
From borrowers of seminary fund (refunded)	2,660 00
From interest received from loans of seminary fund,	2,041 81
From estates without heirs,	937 18
From agents of salt springs,	213 12

56,919 49

Making the amount of receipts,

141,715 66

Since the above period there has been audited for public printing and stationary,

4,673 54

For expenditures of last general assembly, including pay of members, clerks, and door-keepers,

16,114 22

For salaries of executive officers,

2,596 72

For prosecuting attorneys,

1,004 04

For supreme and president judges,

5,514 98

For probate judges,

2,220 00

For adjutant and quarter-master generals,

170 71

For state seminary,

2,508 68

For state library,

100 00

For state prison,

1,971 34

For Wabash and Erie canal,

28,763 00

For Michigan road,

33,955 47

For seat of government,

342 85

For specific appropriations,

1,250 33

TREASURER'S REPORT.

For superintending springs,	30 00
For wolf scalps,	795 50
For loans of seminary fund,	7,177 50
For treasury notes burnt,	5 00
For presidential election,	209 70
For conscientious fines,	36 00
For contingent fund,	836 35

Making the total amount of expenditures, **\$110,265 93**

From \$141,716 66 (the receipts) take \$110,265 93, (the expenditures,) and there remains in the treasury on the 5th day of December, 1832, the sum of

31,450 73

The amount of assessments for the present year is \$46,531 05, from which, after deducting delinquencies and expenses incident to the collection of the revenue, there will probably be realized to the treasury, \$39,000 00.

Respectfully submitted,

MORRIS MORRIS, A. P. A.

TREASURY DEPARTMENT, DEC. 6TH, 1832.

The treasurer, in compliance with the requisitions of the "act concerning the auditor of public accounts and treasurer of state," respectfully submits the following report of the revenue and expenditures of the state, from December 3d, 1831, to December 1st, 1832.

Balance in treasury, reported last year, **44,048 07**

RECEIPTS DURING THE FISCAL YEAR.

From taxes assessed for 1823,	\$247 04
" " 1824,	33 56
" " 1828,	150 00
" " 1830,	78 00
" " 1831,	33,370 89
" " 1832,	6,884 36

Total revenue,	40,763 85
From agent for Indianapolis,	8,136 52
" commissioner Michigan road lands,	35,527 96
" canal funds,	5,181 82
" estates without heirs,	937 18
" salt spring reserves,	213 12
" interest on loans,	2,041 81
" sales of college lands,	2,221 08
" loans refunded,	2,660 00

Total, **\$141,731 41**

EXPENDITURES DURING THE SAME PERIOD.

Pay and mileage of last legislature, **14,187 72**

TREASURER'S REPORT.

Pay of clerks and door-keepers,	1,926 50	\$16,114 22
Paid the public printers,	1,738 46	
" book-binders,	569 76	
" for stationary and carriage,	2,095 32	
" for distributing laws and journals,	270 00	
		4,673 54
Specific appropriations,	1,244 68	
Contingent expenses,	836 35	
Salaries of executive officers,	2,596 72	
" judges,	5,514 98	
" prosecutors,	943 54	
" probate judges,	2,202 00	
" adjutant and quarter-master generals,	170 71	
	1,985 09	
State prison expenses,	100 00	
State library expenses,	209 70	
Presidential election,	794 50	
Wolf scalps,	5 00	
Treasury notes destroyed,		

Ordinary expenses,	\$37,391 03
Michigan road scrip redeemed,	30,803 86
" expenses,	3,051 61
Indiana college "	2,508 68
Salt spring "	30 00
Seat of government "	342 85
Loans of college funds,	7,177 50
Canal fund payments,	28,753 00
Conscientious fines distributed,	36 00
Cash on hand,	31,536 88
	\$141,731 41

The cash on hand is subject to the following deductions:

Outstanding warrants,	85 15
Salaries of judges, prosecutors and other claims due, but not audited,	2,550 00
Conscientious fines,	530 50
Canal fund,	148 56
Indianapolis fund,	21,672 11
Claims of probate judges estimate	1,200 00

Making in all,	26,184 32
Which deducted from the cash on hand leaves	5,351 56
The revenue of 1832, to be paid subsequently to the 1st of December inst. will probably amount to	32,000 00
There has been anticipated of the college fund,	2,456 62
Balance due the state from the Michigan road fund,	3,275 51

Making for the expenses of the ensuing year, **\$43,082 69**

TREASURER'S REPORT.

These expenses may be estimated as follows:

Salaries of judges and prosecutors,	8,200 00
“ governor, secretary, treasurer, and auditor,	2,600 00
Salary of probate judges,	2,400 00
Printing and stationary,	4,500 00
Legislature,	17,000 00
Contingent fund,	1,000 00
State prison,	800 00
Wolf scalps,	800 00
Specific appropriations,	1,500 00
Presidential election, state library, adjutant general, &c.	800 00
	<hr/>
	39,600 00

Which will leave in the treasury, 1st December, 1833, 3,482 69

The rates of taxation having continued the same since the year 1826, the actual receipts from each year's assessment, in the annexed statement, present in a favorable light the prospects of the state for revenue.

Receipts from the taxes of 1827,	\$27,299 27
“ “ 1828,	29,926 12
“ “ 1829,	32,282 69
“ “ 1830,	34,475 07
“ “ 1831,	37,023 97
Estimates for 1832,	38,884 36

The revenue hereafter can hardly be expected to increase in the same ratio. Some diminution will be occasioned by the alteration of the law authorizing the sale of land for taxes. The receipts, however, will no doubt meet all demands at the treasury. It affords pleasure to state, that the collectors of last year were equally punctual with those of the preceding. No delinquency of moment occurred, and the prospect of a full settlement by the collectors of the present year, is not less favorable.

Respectfully submitted,

SAM'L. MERRILL.

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